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Texas Collections
General Laws
Jan. 1897
May 1897



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LAW OFFICES

GENERAL LAWS
OF
THE STATE OF TEXAS

PASSED AT THE
REGULAR SESSION
OF THE
TWENTY-FIFTH LEGISLATURE

CONVENED AT THE
CITY OF AUSTIN, JANUARY 12, 1897,
AND
ADJOURNED MAY 21, 1897.



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GENERAL LAWS OF TEXAS.

TWENTY-FIFTH LEGISLATURE, 1897.

S. B. No. 11.]

CHAPTER 1.

An act appropriating one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employees' per diem, of the Twenty-fifth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of one hundred and ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the money in the treasury, not otherwise appropriated, for the payment of mileage and per diem pay of members and per diem pay of officers and employees of the Twenty-fifth Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. And, whereas, the Twenty-fifth Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage.

Approved, January 18, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and passed the House by a two-thirds vote, yeas 116, nays none.]

S. B. No. 12.]

CHAPTER 2.

An act making appropriation to defray the contingent expenses of the Twenty-fifth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the contingent expenses of the Twenty-fifth Legislature; that, except in cases of accounts for printing done and stationery furnished, the certificate of the Chairman of the Committee on Contingent Expenses that an account has been examined and approved by said Committee, and countersigned by the President of the Senate, or

Speaker of the House, as the case may be, shall be sufficient authority to authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer for the payment of any claims against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

SEC. 2. That the fact that it is important that the expenses of the Legislature be promptly paid, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect from its passage. It is so enacted.

Approved, January 26, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 24, nays none; and passed the House by a two-thirds vote, yeas 105, nays 3.]

H. B. No. 104.]

CHAPTER 3.

An act to be entitled an act to amend Article 5043k, of the Revised Statutes of 1895, relating to the Live Stock Sanitary Commission, and the movement of live stock thereunder.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5043k be and the same is amended so as hereafter to read as follows:

Any quarantine line that may be fixed by the Live Stock Sanitary Commission against Texas, or splenetic fever, shall be so fixed as to conform to the federal quarantine line established, or that may be established, by the United States Department of Agriculture.

SEC. 2. The fact that there is serious question of the power of the Live Stock Sanitary Commission to establish a quarantine line in conformity with the line established by the United States Department of Agriculture, and unless such line is established the entire State may be quarantined by the United States authorities, and incalculable injury done to the cattle interests of Texas, creates an imperative public necessity and an emergency exists that the constitutional rule requiring all bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, January 28, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 111, nays 1; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

H. B. No. 3.]

CHAPTER 4.

An act making an appropriation to pay mileage and per diem of the Presidential Electors of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the mileage and per diem of the Presidential Electors. That the certificate of the Secretary of the College, stating the number of days that the College was in session, shall be sufficient authority to the Comptroller to draw his warrant upon the Treasurer for the amount due each elector.

SEC. 2. Whereas, the Electoral College has already met, public policy demands that they should be paid, an emergency exists and necessity demands that the constitutional rule requiring the bill to be read on three several days be suspended and that this act take effect from its passage. It is so enacted.

Approved, February 3, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 111, nays 1; and passed the Senate by a two-thirds vote, yeas 26, nays none.]

H. B. No. 38.]

CHAPTER 5.

An act to amend Article 887, of Title 10, of the Code of Criminal Procedure of the State of Texas, prescribing the form of a recognizance in appeals of cases of misdemeanor, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 887, of Title 10, of the Code of Criminal Procedure of the State of Texas, prescribing the form of a recognizance in appeals of cases of misdemeanor, be and the same is hereby amended so as to read hereafter as follows, to-wit:

Article 887. In appeal cases of misdemeanor, the following form of recognizance shall be sufficient, and when complied with shall confer jurisdiction upon the Court of Criminal Appeals, of such appeals:

State of Texas,	}	No.
vs.		
A. B.		

This day came into open court A B., defendant in the above entitled cause, who, together with C. D., and E. F., his sureties, acknowledge themselves severally indebted to the State of Texas in the penal sum of dollars; conditioned, that the said A. B., who has been convicted in this cause of a misdemeanor, and his punishment assessed at, as more fully appears by the judgment of conviction duly entered in this cause, shall appear before this court from day to day and from term to term of the same, and not

depart without leave of this court, in order to abide the judgment of the Court of Criminal Appeals of the State of Texas in this case.

The amount of such recognizance shall be fixed by the court in which the judgment was rendered, and the sufficiency of the security thereon shall be tested, and the same proceedings had, in case of forfeiture, as in other cases of recognizance.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved, February 9, 1897.

Takes effect 90 days after adjournment.

S. B. No. 57.]

CHAPTER 6.

An act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fourth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of five thousand dollars, or as much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay for publishing the constitutional amendments voted on at the last general election, and for publishing the Governor's proclamation calling the last general election.

SEC. 2. Whereas, the Secretary of State did have the constitutional amendments proposed by the Twenty-fourth Legislature published, as required by law, and there being no appropriation to pay for the same, and public policy requires the immediate payment to the parties entitled to receive the same; therefore, an emergency exists that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, February 15, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and passed the House by a two-thirds vote, yeas 109, nays none.]

S. B. No. 18.]

CHAPTER 7.

An act to amend Article 386c, Chapter 1, Title 18, of the Revised Civil Statutes of Texas, relating to cities and towns.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 386c, Chapter 1, Title 18, of the Revised Statutes, be amended so as hereafter to read as follows:

Article 386c. That all cities and towns in this State whose corporation may be defective by reason of the failure of such cities and towns to restrict their territorial limits within the time and in the manner required by law, but which have in fact restricted their limits and have re-

corded the lines of such restricted limits in the minute book of such city and town and in the record book of deeds in the county in which such city or town is situated, and the boundaries of which as now recognized by the ordinances of such cities or towns and as fixed by the lines so recorded do not include more territory than provided for in article 386a, be and such incorporations are hereby in all things validated, the same as if such territorial limits had been duly fixed and restricted within the time and in the manner required by law.

SEC. 2. Whereas, there are many cities and towns in Texas which have heretofore restricted their limits so as not to include more territory than allowed by law, but failed to do so within the time and in the manner required by law; and whereas, the corporate existence of many of such cities and towns is threatened by legal proceedings whereby the public interest would be greatly injured, therefore an emergency and imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 24, nays none; and passed the House by a two-thirds vote, yeas 97, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Tuesday, the ninth day of February, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 10.]

• CHAPTER 8.

An act to be entitled an act to amend Chapter 1, Title 29, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, and to add to said chapter two articles, numbered 1132b and 1132c, respectively, "Providing for the election and qualification of special county judges in case of the absence of the regular county judge or of his inability or refusal to hold court; and providing further, for the election of a judge when said special judge is absent or is unable or refuses to act."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 1, Title 29, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, be amended by adding to said chapter, two articles, immediately after Article 1132a, and numbered 1132b and 1132c, as follows:

Article 1132b. Should any county judge fail to appear at the time appointed for holding the court, or should he during the term be absent, or unable or unwilling to hold the court, a special county judge may be elected in the same manner as is provided for the election of a special judge of the District Court, in Articles 1071 to 1074 inclusive, so far as applicable, and the special county judge so elected shall have all the power and authority of the county judge while in the trial and disposi-

tion of all the cases pending in said court during the absence, inability, or such refusal of the county judge elected. And similar elections may be held from time to time during the term to supply the absence, failure or inability of the county judge, or any special judge to perform the duties of the office.

Article 1132c. When a special county judge shall have been so elected, it shall be the duty of the clerk to enter upon the minutes of the court, a record such as is provided for the District Court in Article 1075, and such record shall have the same force and effect provided for the record of the District Court in similar cases in article 1076.

SEC. 2. The fact that there is now no law in this State providing for the election or appointment of a special county judge to act in case of the sickness or other inability of the county judge to hold or carry on the terms of the County Court, causes great inconvenience and delays in the administration of justice, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and an emergency exists that this act take effect from and after its passage, and it is so enacted.

Approved, February 25, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 106, nays 9; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

H. B. No. 62.]

CHAPTER 9.

An act for the relief of railway corporations, and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the time within which any railroad corporation, chartered under the laws of the State of Texas, since the first day of January, 1887, or the charter of which has been amended since that date, is required to begin the construction of its road, and construct, equip, and put in good running order, as provided in Article 4558 of the Revised Statutes of the State of Texas, shall be, and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this act; and any railway company having been chartered since January first, 1887, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of its rights and powers, or is about to do so, by reason of failure to comply with said Article 4558, or any part of said article, shall have restored and preserved to its corporate existence, and it shall have and enjoy all of the corporate franchises, property, rights and power held or required by it previous to any cause of forfeiture on account of such failure as aforesaid; provided, that no railroad company which shall be revived or the time extended by virtue of this act shall claim or exercise any right or franchise not allowed, granted or permitted to other railway corporations under the laws as now in force in this State, and such railroad company as may be

revived or time extended by this act shall comply with the laws of this State now in force appertaining to railway corporations, and the provisions of this act shall extend to and embrace suburban and belt railroads heretofore chartered under the laws of this State.

SEC. 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter, or by amendment thereto filed since said first day of January, A. D. 1887, has provided for the locating, constructing, maintaining, owning and operating of any extension or branch line or lines of railway, and which has failed or is about to fail to complete the same or any part thereof within the time required by law, shall, upon the payment of all its franchise taxes, be, and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter, or by such amendment to its articles of incorporation as if the same were filed and recorded in the office of the Secretary of State on the day of the taking effect of this act, and such corporation shall, upon the payment of its franchise taxes, be, and is hereby authorized to project, complete, construct, own and operate any such extensions and branch line or lines of railway under and as provided for in its charter, or in any such amendment to its articles of incorporation; provided, that said extensions and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles within one year from the taking effect of this act, and twenty additional miles for each and every year thereafter until all of said extensions or branch line or lines so provided for are completed.

SEC. 3. The fact that no good can result to the State from the forfeitures provided against in this act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises saved from great loss, unless the relief herein provided for be granted, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, February 25, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 99, nays 5; and passed the Senate by a two-thirds vote, yeas 24, nays 2.]

S. H. B. No. 103.]

CHAPTER 10.

An act to amend Subdivision 18, of Article 22, of the Revised Civil Statutes of Texas, fixing the time for holding courts in the Eighteenth Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 18 of Article 22 of the Revised Civil Statutes of the State of Texas be so amended as hereafter to read as follows:

18. The Eighteenth Judicial District shall be composed of the counties of Johnson, Hill and Bosque, and the district courts therein shall be held as follows:

In the county of Bosque, on the third Monday in January and August, and may continue in session six weeks.

In the county of Hill, on the sixth Monday after the third Monday in January, and may continue in session eight weeks, and on the sixth Monday after the third Monday in August, and may continue in session seven weeks.

In the county of Johnson, on the fourteenth Monday after the third Monday in January, and on the thirteenth Monday after the third Monday in August, and may continue in session until the business is disposed of; provided, that said continuation shall not interfere with the terms of the court in the remaining counties of the district as herein above provided for.

SEC. 2. The crowded condition of the District Court dockets of Hill County, and the fact that the next term of the District Court for Hill County will begin on the first Monday in March, 1897, creates an imperative public necessity which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and the same facts create an emergency requiring that this act take effect from and after its passage, and it is so enacted.

Approved, February 25, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 93, nays none; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

S. B. No. 66.]

CHAPTER 11.

An act to provide for single election polls in cities and towns not having more than four hundred electors, and to repeal all laws and parts of laws in conflict therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That in all cities and towns in this State in which the number of electors at the last municipal election does not exceed four hundred in number, but one election poll shall be opened at any municipal election, and all officers of such towns and cities to be elected shall be voted for at such poll.

SEC. 2. That all laws and parts of laws in conflict with the foregoing section be and the same are hereby repealed.

SEC. 3. The fact that many cities and towns in this State will soon hold elections for municipal offices creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, March 3, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 23, nays none; and passed the House by a two-thirds vote, yeas 90, nays none.]

H. B. No. 30.]

CHAPTER 12.

An act to be entitled an act to amend Article 904, of Title 10, of the Code of Criminal Procedure of the State of Texas, relating to appeal and writ of error, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 904 of Title 10 of the Code of Criminal Procedure of the State of Texas be and the same is hereby amended so as to read hereafter as follows, to-wit:

Article 904. The Court of Criminal Appeals may affirm the judgment of the court below or may reverse and remand for a new trial, or may reverse and dismiss the case, or may reform and correct the judgment, as the law and the nature of the case may require, but in all cases the court shall presume that the venue was proven in the court below; that the jury was properly empaneled and sworn; that the defendant was arraigned; that he pleaded to the indictment; that the charge of the court was certified by the judge and filed by the clerk of the court before it was read to the jury, unless such matters were made an issue in the court below, and it affirmatively appears to the contrary by a bill of exceptions properly signed and allowed by the judge of the court below or proven up by by-standers, as is now provided by law, and incorporated in the transcript as required by law. In all criminal cases by it decided, the Court of Criminal Appeals shall deliver a written opinion setting forth the reason for such decision.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The fact that the Court of Criminal Appeals is now in session, and many criminal cases now pending will be reversed, because there is no law in force authorizing said court to presume the regularity of the proceedings of the District and County Courts, creates an imperative public necessity and emergency that the rule requiring bills to be read on three several days, should be suspended, and it is hereby so enacted.

Approved, March 3, 1897.

[NOTE.—The foregoing act passed the House January 25, 1897, but the endorsement thereon does not show whether or not it passed by a two-thirds vote. Said act passed the Senate by a two-thirds vote, yeas 21, nays 2.]

S. H. B. No. 17.]

CHAPTER 13.

An act to be entitled An act to amend Title XCVI, Chapter 3, of the Revised Civil Statutes (1895) of the State of Texas, by adding thereto, after Article 4640, an article to be known as Article 4640a, prohibiting the admission to record of instruments in any other than the English language, except instruments executed prior to the taking effect of this act, which may be recorded if accompanied by sworn translations thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Title XCVI, Chapter 3, of the Revised Civil Statutes (1895) of the State

of Texas, be amended by adding thereto after Article 4640, an article to be known as Article 4640a, as follows:

Article 4640a. No deed, conveyance, or other instrument, whether relating to real or personal property, if in any other than the English language, shall be admitted to record; provided, that all such instruments executed prior to the taking effect of this act may be filed and recorded if accompanied by a correct translation thereof, the accuracy of which is sworn to before some officer authorized to administer oaths. Such translations shall be recorded with the original, and if correct shall operate as constructive notice from and after the date of its filing, if the original be authenticated in the manner required by law.

Approved, March 3, 1897.

Takes effect 90 days after adjournment.

S. B. No. 6.]

CHAPTER 14.

An act to prescribe the time when suits for personal injuries, and for injuries resulting in death, shall be instituted; and to fix the period of limitation in such actions.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* There shall be commenced and prosecuted within two years after the cause of action shall have accrued, and not afterwards, all actions or suits in courts of the following description:

(1) Actions for injuries done to the person of another.

(2) Actions for injuries done to the person of another where death ensued from such injuries; and the cause of action shall be considered as having accrued at the death of the party injured.

Approved, March 4, 1897.

Takes effect 90 days after adjournment.

S. B. No. 43.]

CHAPTER 15.

An act to amend Article 672, Title VIII, Chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895, relating to peremptory challenges in capital cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 672, as described in the caption of this act, shall read as follows, to-wit:

Article 672. In capital cases both the State and defendant shall be entitled to fifteen (15) peremptory challenges, and where there are more defendants than one tried together, the State shall be entitled to eight (8) peremptory challenges for each of said defendants, and each defendant shall be entitled to eight (8) peremptory challenges.

Approved March 4, 1897.

Takes effect 90 days after adjournment.

S. B. No. 67.]

CHAPTER 16.

An act to amend Article 689, Chapter IV, Title 8, of the Code of Criminal Procedure of the State of Texas, relating to the number of peremptory challenges to jurors allowed to the State and defendant in felony cases not capital.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 689, Chapter IV, Title 8, of the Code of Criminal Procedure of the State of Texas, be so amend as hereafter to read as follows:

Article 689. In prosecutions for felonies not capital, the defendant and State shall each be entitled to ten peremptory challenges, and where more defendants than one are tried together each defendant shall be entitled to five peremptory challenges, and the State to five for each defendant.

Approved, March 4, 1897.

Takes effect 90 days after adjournment.

H. B. No. 434.]

CHAPTER 17.

An act to validate and confirm an ordinance passed by the City Council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased, and to be purchased, by the United States of America, for the purpose of erecting fortifications thereon, and to authorize the Commissioners Court of Galveston County to cede to the United States of America such portions of public highways in Galveston County for the purpose of establishing fortifications situated outside the limits of the city of Galveston.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whereas, the City Council of the city of Galveston, on the tenth day of February, A. D. 1897, passed an ordinance ceding to the United States of America any and all streets, alleys, or other public highways which intersect or separate any lots or parcels of land which the United States of America may desire to purchase for the purpose of establishing fortifications for the protection of the city of Galveston and the coast of Texas against the enemies of the United States of America; and whereas, it is doubtful if the said City Council of the city of Galveston was vested with power, under its charter, to make such cession of said portion of said streets, now, therefore, be it enacted that said act of the City Council of the city of Galveston in making such cession be, and the same is hereby, in all things ratified and confirmed, and the United States of America is hereby vested with all the rights, privileges and powers conferred or attempted to be conferred by said ordinance of the City Council of the city of Galveston.

SEC. 2. That the Commissioners Court of Galveston County is hereby authorized and empowered to cede to the United States of America any and all streets, alleys, roads or public highways in the County of Galveston which may pass through, separate or bound any tract or parcel of land which the United States of America may acquire for public purposes not situated within the limits of the city of Galveston: Provided,

that any act of cession of such public highways shall be evidenced by a decree duly entered in the records of the Commissioners Court of Galveston County, Texas, and a certified copy of such decree duly recorded in the records of deeds of Galveston County shall convey to the United States of America for public purposes, all right, title and interest which said County of Galveston has or may have in and to such public highways, and shall be full authority to the United States of America to close said public highways to the public use: Provided, however, that nothing in this act shall prevent, or is intended to prevent, the United States of America from condemning any lands as it is now authorized by law to do, the object and intention of this section being to permit the United States of America to acquire the title and use of such streets, alleys, and public highways which may have been dedicated to public use by virtue of maps recorded, showing a subdivision of large tracts of land into city lots and blocks, streets and alleys, and which lands are not embraced within the limits of any incorporated city or town.

SEC. 3. The fact that the United States of America has, at an expense of nearly six millions of dollars, constructed jetties in Galveston harbor, thus creating a deep water port on the coast of Texas, which improvements, as well as the city of Galveston, are without any protection against foreign enemies, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 97, nays none; and passed the Senate by a two-thirds vote, yeas 25, nays]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of February, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 52.]

CHAPTER 18.

An act to require every express company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business, as may be required by the Railroad Commission of Texas, and to provide a penalty for violation of such requirements.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That every incorporated express company shall keep a general office in this State at some place on the line of its transportation, in which it shall keep its books, accounts, and contracts, relating to express business, or copies thereof, embracing all books, papers, and contracts, or copies thereof, showing the value of its property, of all kinds, and the amount of all its receipts and disbursements on account of the express business done in this State. That the books, papers, and contracts, required to be kept in said general office, shall at all times be subject to inspection

and examination by the officers of the State of Texas, and by any member or members of the Railroad Commission of Texas, or by its authorized agent, officer, or employee.

A failure to comply with any of the foregoing provisions of this Section shall subject the offending company, and any officer, agent, or employee, of such company, so offending to a penalty of not less than one hundred, nor more than five hundred dollars. And that a failure to comply with the foregoing provision shall subject the company so offending to forfeit its charter and privileges of doing business as an express company in this State.

The Railroad Commission of Texas shall report to the Attorney-General of the State the name of any company, and the officers, agents, or employees, thereof, violating any of the provisions of this act, and any suits to recover the penalties herein prescribed, or to forfeit the charter of such express company, doing business in this State, shall be instituted and prosecuted in a court having jurisdiction, in the County of Travis, in the State of Texas, by the Attorney-General of the State.

SEC. 2. Any incorporated express company with its principal office in another State, and doing business as such express company in this State, is hereby required to provide and keep in its general office in this State, a copy of its charter, and to make full annual statements of the value of all its property, including a like statement of all its indebtedness, and of all its annual receipts and expenditures as such express company, to the Railroad Commission of Texas, at such time or times as may be prescribed by it; which statement shall be certified to be correct, and shall be sworn to by the President and Secretary, or General Manager in Texas, of such company; and such company shall permit any member or members of the Railroad Commission of Texas, or its authorized agent, to freely examine any and all books, papers, and contracts, in said office; and should any such company, or any person in charge of said office, refuse to permit such examination, this shall be sufficient ground for the withdrawal, by this State, of its privilege of doing business as such express company in this State; and it shall be the duty of the Attorney-General of the State to institute and conduct suits for that purpose in a court having jurisdiction in Travis county, in the State of Texas.

SEC. 3. Every express company, doing business as such in this State, shall, within 90 days after the passage of this act, establish the general office provided for in this act, at some point on their line of transportation in this State, and shall immediately give notice in writing to the Railroad Commission of Texas, of the place at which such general office is located, and shall, at the same time, give notice in writing to said Commission of the name and official designation of the person or persons, officer or officers, charged with the management of such general office, and shall, from time to time, give like notices in writing of any change of location of such general office, or of the person or persons, officer or officers, charged with the management.

A failure to comply with any of the provisions of this section, shall be sufficient cause for withdrawing from such express company, the privilege of doing business as such, in this State.

Approved, March 11, 1897.

Takes effect 90 days after adjournment.

H. B. No. 110.]

CHAPTER 19.

An act to amend Articles 2526, 2531, and 2532, of Title 49, of the Revised Civil Statutes of the State of Texas, relating to forcible entry and detainer.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 2526, 2531, and 2532, of Title 49, of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 2526. Either party to the suit shall have the right of trial by jury by making demand for a jury to the Justice of the Peace on or before the day for which the case is set for trial and paying the jury fee of three (\$3.00) dollars, and when a jury is demanded the Justice of the Peace shall issue a precept to the sheriff or any constable of the county, commanding him to summon a jury of six men, qualified jurors of the county, to appear before him on the day set for trying the complaint, to serve as jurors, and shall be returned with the name of the jurors thereon to the said Justice of the Peace on the day assigned for trial.

If no jury be demanded the case shall be tried by the Justice of the Peace without a jury.

Article 2531. On the day named in the citation for trial, or on the day to which the case may be postponed, according to the provisions of the preceding article, if no jury is demanded, the Justice of the Peace shall hear the evidence and render his judgment of guilty or not guilty of the charge as stated in the complaint, and if a jury is demanded by either party, the jury shall be empanelled and sworn as in other cases, and after hearing the evidence they shall return their verdict of guilty or not guilty of the charge as stated in the complaint.

Article 2532. If the Justice of the Peace, if no jury is demanded, or the jury, in case one is demanded, find the defendant guilty, the said Justice of the Peace shall give judgment thereon for the plaintiff to have restitution of the premises and for costs; and he shall award his writ of restitution and may issue execution for the costs, but should the defendant be found not guilty, judgment shall be given in favor of the defendant and against the plaintiff for all costs, and execution may issue therefor.

SEC. 2. The fact that as the law now is, relating to trials in cases of forcible entry and detainer, requires a jury in every case, entails a useless expense to litigants in many cases, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, March 12, 1897.

Takes effect 90 days after adjournment.

S. B. No. 82.]

CHAPTER 20.

An act to amend Article 256 of the Revised Civil Statutes of Texas, relating to applications for license to practice law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 256, of the Revised Civil Statutes of Texas, relating to the application for license to practice law, shall be amended so as to hereafter read as follows:

Article 256. During the term of any District Court, upon application of any person desiring to obtain a permanent license to practice as attorney and counsellor at law, in the courts of the State, accompanied with a certificate from the County Commissioners Court of the character specified in the preceding article, the Court shall, as soon as convenient, appoint a committee of three or more practicing attorneys of good standing, and set a day for examination of the applicant, on which day, the committee so appointed shall, in open court, proceed to examine the applicant, and if they, or a majority of them, and the Court, are satisfied of his legal qualifications, a report of that fact shall, within five days, be made by the committee and recorded by the clerk, and thereon, the Court shall order the clerk to make out a license for the applicant, which shall be signed by the Court, and tested by the clerk under seal of the Court; under which, when delivered, the party shall be authorized to practice in any District, County, or inferior court, of the State.

Approved, March 12, 1897.

Takes effect 90 days after adjournment.

S. B. No. 36.]

CHAPTER 21.

An act to amend Article 723, Title VIII, Chapter 5, of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 723, as described in the caption of this act, shall read as follows, viz.:

Article 723. Whenever it appears by the record in any criminal action, upon appeal of the defendant, that any of the requirements of the eight preceding articles have been disregarded, the judgment shall not be reversed unless the error appearing from the record was calculated to injure the rights of the defendant, which error shall be excepted to at the time of the trial, or on a motion for a new trial.

Approved, March 12, 1897.

Takes effect 90 days after adjournment.

S. B. No. 94.]

CHAPTER 22.

An act to amend Article 1036, Chapter 20, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Courts of Civil Appeals.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1036, Chapter 20, Title XXVII, of the Revised Civil Statutes of Texas, be amended so as to hereafter read as follows:

Article 1036. On the rendition of any final judgment or decree in the Court of Civil Appeals, the Clerk of said court shall not issue and deliver the mandate of the Court, nor certify the proceedings of the lower court, until all the costs accruing in the case, in the Court of Civil Appeals, shall have been paid. If neither party shall pay the costs and take out the mandate within thirty days after the time when the same can be issued by law, then it shall be the duty of the Clerk to issue execution for the costs accruing in his court, against whom such costs have been adjudged, and to send such execution by mail to the proper officer for collection, but he shall retain the mandate until the costs have been paid or collected; provided, that if the party against whom the said costs are adjudged shall make affidavit of his inability to pay the same, or give security therefor, he may apply to the Court of Civil Appeals in which said case is pending, for an order to require the Clerk to issue said mandate, or to certify said proceedings, as the case may be, which motion shall be granted by said court, unless the Clerk of the Court of Civil Appeals, or any party to the record, shall controvert the truth of such affidavit and satisfy the court that such motion should not be granted.

SEC. 2. The fact that the operation of the present law works a hardship upon many deserving but destitute litigants, and that many mandates are now held in the Court of Civil Appeals owing to the pecuniary distress and inability of the parties whose duty it is to pay for them, and in order to make effective the principle that pervades our system of law, that all the courts shall be open to litigants for the redress of grievances, to the poor, as well as to the rich, creates an emergency, and a public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be in force and take effect from and after its passage, and it is so enacted.

Approved, March 12, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House by a two-thirds vote, yeas 91, nays none.]

S. B. No. 206.]

CHAPTER 23.

An act to amend Article Seven Hundred and Twenty-two (722), of Chapter Fourteen (14), of Title Twenty-one (21), of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas, in the year Eighteen Hundred and Ninety-five (1895), relating to channel and dock corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 722, of Chapter 14, of Title 21, of the Revised Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 722. Every such channel corporation shall, in addition to the powers herein conferred, have power:

1. To cause such examination and survey for its proposed channel to be made as may be necessary to the selection of the most advantageous route for such purpose by its officers, agents or servants to enter upon any of the waters of such bays and upon any of the lands of this State, or of any person.

2. To take and hold such voluntary grant of real estate and other property as shall be made to it to aid in the construction and maintenance of its deep water channel and works pertinent thereto.

3. To construct its channel across, along, through, or upon, any of the waters of the bays within the jurisdiction of this State, and so far into the mainland as may be necessary to reach a place for its docks that will afford security from cyclones, storms, swells, and tidal waves, with such depth as may suit its convenience and the wants of navigation, not less than five feet, and a width of not less than forty feet.

4. To furnish to vessels and boats adapted to the purpose facilities for navigating in and along the entire length of its channel, and to charge and collect a toll therefor, to be prescribed and established by its by-laws, not to exceed one cent per barrel bulk of the capacity of each vessel for each mile of the length of its channel used by the vessel going either way.

5. To borrow such sums of money as may be necessary for constructing, finishing, or operating its channel, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted for the purposes aforesaid; provided, that damages for any property appropriated by such corporation shall be assessed and paid for as is provided for in case of railroads.

6. To enter upon and condemn and appropriate any lands of any persons or corporation that may be necessary for the uses and purposes of such channel corporation, the damages for any property thus appropriated to be assessed and paid for in the same manner as provided by law in the case of railroads; provided, that no damages shall be assessed against or paid by it for any portion of the route of the channel embraced within and covered by the waters of any bay or lake on the coast of this State, nor for any portion of any island belonging to the State that may be requisite and necessary to the construction and successful operation of its channel; and provided, further, that its right of way shall not be less than the actual width of its channel, and not more than seven hundred feet in width on each side of its channel; provided, that

when the land sought to be condemned under this chapter is arable land, such right of way shall not extend further than six hundred feet on each side of the channel from the edge or boundary of said channel.

7. To construct, own, and operate its channel so far into the waters of the Gulf of Mexico as may be necessary to obtain an adequate depth of water at its gulf entrance to facilitate the ingress and egress of such vessels as may navigate the same in so far as this State may have the power to grant such right, which shall be in subordination to that of the government of the United States in so far as that government has the constitutional power to control the same.

SEC. 2. Whereas, there are now contracts let to build a large ship channel across the bay of Sabine Lake, and in the present condition of the law there is not right-of-way enough given to dump or pile the dirt taken from the bed of the channel, and in consequence the work on the building of said channel is stopped; and, whereas, the crowded condition of the calendar renders it necessary and creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this bill shall take effect on and from its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 26, nays none; and passed the House by a two-thirds vote, yeas 98, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Monday, the first day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 268.]

CHAPTER 24.

An act to create a more efficient road system for Travis County, in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the Commissioners' Court of Travis County shall be ex officio road commissioner of their respective districts, and under the direction of the Commissioners' Court, shall have charge of all the teams, tools and machinery belonging to the county, and placed in their hands by the said court, and it shall be their duty, under such rules and regulations as the Commissioners' Court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of their office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the Commissioners' Court, and that they will account for all money or property belonging to the county that may come into their possession.

Each of said commissioners shall receive as salary for the services required of them by this act three hundred dollars per annum, payable quarterly, or as the Commissioners' Court may determine.

SEC. 2. Subject to the orders and control of the Commissioners' Court, the road commissioners shall have charge of all such teams, wagons, tools and machinery as the Commissioners' Court shall place in their custody for use on the public roads of said county, and shall execute and deliver to the county clerk of said county his receipt therefor, specifying each item and its value, which shall be filed by the clerk of the county court in his office, and a certified copy thereof shall be admissible in evidence in any suit against said commissioner and his sureties or either of them, on his said bond for the property or the value thereof, the same as the original would be.

Said road commissioner and his sureties shall be responsible on his bond for all such property thus turned over to him until he shall account therefor.

SEC. 3. The road commissioners shall have control of all road overseers in the county, and shall deliver to each all teams, tools, wagons and machinery necessary in working the roads in the district of such overseers so far as he has been supplied therewith by the Commissioners' Court, taking the receipt of said road overseer therefor, specifying each item and giving its value, which receipt shall be a full answer to the liabilities of the road commissioner for all such teams, wagons, tools and machinery. It shall be the duty of the road overseer, when he has finished the work on his road, to return to said road commissioner all teams, wagons, tools and machinery received from him, and to take up the receipt given for the same.

SEC. 4. Each road commissioner and overseer shall, as to all teams, wagons, tools and machinery delivered to him by the Commissioners' Court or road commissioner, be deemed and held to be the bailee of the county, and shall be responsible to the county for the value thereof until accounted for by him.

It shall be sufficient to exempt the road commissioners or any road overseer from liabilities for any property received by him as herein provided to show that he has delivered the same to any person authorized by law or by the orders of the Commissioners' Court of the county to receive the same, or that the same has died, been lost or destroyed without negligence or fault on his part.

SEC. 5. It shall be the duty of the road commissioners of the county, so far as practicable and as soon as possible, to inform themselves of the condition of the public roads of their respective precincts, and under such rules and regulations as may be prescribed by the Commissioners' Court of said county, said road commissioners shall determine what character of work shall be done upon the different roads of their precincts, and when and wherever needed, they shall establish the grade of such roads and direct the manner of draining the same, which directions shall be obeyed and observed by all road overseers unless changed by order of the Commissioners' Court.

SEC. 6. The road commissioners may require each road overseer to call out the hands under his direction in such number as may be sufficient to use the teams, wagons, tools and machinery allotted to such road district and at such times as may be necessary, but no road hand shall

be required to serve in any one year exceeding five days, unless the term of service as prescribed by the general law shall be extended beyond that period.

Each road overseer shall have control of all hands within his road district and subject to road duty, and shall see that each such road hand shall perform his duty in working said roads, and that each hand when called out shall perform a fair day's work, and if any hand so called out shall refuse to work in a proper manner, or to do his part of any service assigned him, such road overseer shall treat him as if he had failed to appear in obedience to the summons, and such hand shall be liable to the same penalties as if he had failed to appear in obedience to the summons.

The Commissioners' Court may allow to each road overseer who shall be engaged in the discharge of his duty for more than five days during any one year, a compensation not to exceed \$1.50 per day for the time so served over and above five days, and in addition thereto said court may enter an order exempting such road overseer from duty in said county for the next succeeding year, if his services, in the opinion of the court, have been of a kind to merit such exemption.

SEC. 7. The Commissioners' Court of said county shall have full power and authority to adopt such system for working, laying out, and repairing the public roads in such county as to said court may seem best; and from time to time said court may change its plans or system of work in such manner as it may deem advisable. The said Commissioners' Court shall have the power to purchase such teams, wagons, tools and machinery as may be necessary for the working of its public roads, and also all material that may be needed therefor; all of which shall be paid out of the road and bridge fund of said county. The Commissioners' Court of the county may, in its discretion, work the county convicts of said county upon the public roads, and shall pay the officers one-half of the costs so worked out by them.

As a reward for faithful services and good behavior while engaged in any work upon the public roads, the said Commissioners' Court shall have the authority to grant a reasonable commutation of time for which any convict would be compelled to work in order to pay his fine and costs, and such court shall make proper rules and regulations to govern and control in the granting of such commutations.

The said Commissioners' Court shall have authority to employ such labor as may be necessary to work the public roads of the county, to be paid for out of the road and bridge fund, and such labor shall be under the control of the road commissioners or such other persons as said court may employ and direct.

SEC. 8. Every owner of a farm or other lands upon which a hedge of any description grows on or near the line of a public road shall be required to keep the same trimmed so that the height of the same shall not exceed five feet above the level of the ground, and any such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required, and in case such owner shall, after receiving such notice, fail or refuse to so trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not to exceed twenty dollars per week from and after the time

that he received said notice, such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county.

If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge, as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 9. The Commissioners' Court of said county may make contracts for all supplies and materials to be used in feeding the hands and teams employed on the public roads and in the work of the same, and may make rules and regulations by which the same, and all contracts, shall be paid by the county, and all persons employed by said court shall be governed by such rules and regulations.

The said court may from time to time make all necessary rules and regulations for the government of the road commissioners, and all persons employed by said county on the public roads, which rules and regulations shall be entered upon the minutes of the court and a certified copy to be delivered to each person to be governed thereby.

Said court may require of the road commissioners to make reports at such times and in such manner as may be prescribed by the said court, and any road commissioner refusing to make such reports shall be removed, and shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one hundred dollars.

SEC. 10. Whenever it shall be necessary to occupy any lands, for the purpose of opening, widening, straightening, or draining any road or any part thereof, if the owner of such land and the county can not agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn lands for rights of way, and the same proceedings shall be had and the same right shall exist as to each party as would exist if the proceedings were by a railroad company, except that the county shall not be required in any case to give bond.

SEC. 11. This act shall be taken notice of by all courts in the same manner as a general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of such conflict this act shall control as to the county of Travis.

The term "roads" includes the roadbeds, ditches and drains, the bridges and culverts, and every part of such road. The term "work and working," as used herein, shall include the opening and laying out of new roads, widening roads, constructing and building, repairing and draining, of such roads, and everything that may be done in and about the maintenance of such road.

SEC. 12. The fact that the public travel is in need of good roads creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 93, nays 1; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Tuesday, the second day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 54.]

CHAPTER 25.

An act to amend Article 338 of the Penal Code of the State of Texas adopted A. D. 1895, so as to fix the penalty for unlawful carrying arms at a fine of not less than \$25 nor more than \$200.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 338 of the Penal Code of the State of Texas shall hereafter read as follows:

Article 338. If any person in this State shall carry on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slungshot, sword-cane, spear, or knuckles made of any metal or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than two hundred dollars.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Tuesday, the second day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 109.]

CHAPTER 26.

An act to amend Article 1814, Article 1815, and Article 1816, of Title XXXVII, of the Revised Civil Statutes of 1895 of the State of Texas, relating to the time and manner of making returns to the Secretary of State of elections for electors of President and Vice President, and of estimating the same, and of the meeting of the electors, and to add thereto Article 1815a, providing a method of determining contests for said offices.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 1814, 1815, and 1816, of the Revised Civil Statutes (1895) of the State of Texas, be amended, and a new article to be known as Article 1815a be added thereto, so as to hereafter read as follows:

Article 1814. On the Monday next following the day of election, or as soon thereafter as the Commissioners' Court shall have opened the election returns, and estimated the result, in accordance with article 1753, the county judge shall make duplicate returns of the election, one of which he shall immediately transmit to the seat of government in this State, sealed in an envelope, directed to the Secretary of State, and endorsed "Election Returns for County for Presidential Electors,"

[filling the blank with the name of the county] and the other of such returns shall be deposited in the office of the Clerk of the County Court of the county where such election was held.

Article 1815. It shall be the duty of the Secretary of State, in the presence of the Governor and Attorney General or either of them, on the fourth Monday in November next after said election, to open all the election returns received by him, and correctly add up all the votes cast in the several counties for each of the said electors, and cause the result thereof, with the names of the persons elected, to be forthwith published in some newspaper printed at the seat of government, and shall issue certificates of election to the persons so elected.

Article 1815a. Any person or persons intending to contest the election of any or all of the persons declared elected, as provided in Article 1815, as electors of president and vice president, shall within fifteen days from the said fourth Monday in November, file with the Secretary of State a written statement of the ground on which such contestant relies to sustain such contest, and shall, within such time, notify the contestee thereof in writing, and deliver to him, his agent, or attorney, a copy of said statement. The contestee shall, within ten days after receiving such notice, file with the Secretary of State his reply thereto in writing. The contest shall, as soon thereafter as possible, be tried and determined by the State Board of Canvassers, consisting of the Governor, Attorney General, and Secretary of State, or any two of them, and their decision shall be rendered at least six days before the time fixed by law for the meeting of the electors. Such decision, in which two at least of such board shall join, shall be final, and certificates of election, in accordance therewith, shall at once be issued by the Secretary of State to the proper parties. Where not otherwise herein provided, the provisions of Chapter 7, of Title XXXVI, of the Revised Statutes, relating to contests for the validity of an election for members of the Legislature, shall apply to such contests for presidential electors.

Article 1816. The electors, so chosen, shall convene in the Capitol at the seat of government of the State, on the second Monday in January next after their election, and vote for President and Vice President of the United States, and make returns thereof as is or hereafter may be required by the laws of the United States.

SEC. 2. The large number of bills on the calendar, and the impossibility of considering them all within the probably brief limits of this session, creates an imperative public necessity for the suspension of the constitutional provision requiring bills to be read on three several days, and said rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Tuesday, the second day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 87.]

CHAPTER 27.

An act to amend Article 4069, Chapter 4, Title LXXXVII, of the Revised Civil Statutes of the State of Texas, relating to bonds of county surveyors.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4069, Chapter 4, Title LXXXVII, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 4069. Before entering upon his duties, the county surveyor shall take the oath of office prescribed by the Constitution, and shall enter into bond, with two or more good and sufficient sureties, to be approved by the Commissioners' Court of the county, in such sum as may be fixed by such Commissioners' Court, not to be less than five hundred dollars, nor more than ten thousand, payable to the Governor and his successors in office, conditioned that he will faithfully perform all of the duties of his office, which bond shall be deposited and recorded in the county clerk's office of the county.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on Monday, the 8th day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 82.]

CHAPTER 28.

An act to amend Article 878, Title 17, Chapter 9, of the Penal Code of the State of Texas, and to make the receiving or concealing of stolen property a criminal offense, and to provide appropriate penalties for said offense, and to repeal all laws and parts of laws in conflict with the provisions of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 878, Title 17, Chapter 9, of the Penal Code of the State of Texas, be and the same is hereby amended so as to read as follows, viz.:

Art. 878. If any person shall receive or conceal property which has been acquired by another in such manner as that the acquisition comes within the meaning of the term, theft, knowing the same to have been so acquired, he shall be punished in the same manner as if he had stolen the property.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, March 20, 1897.

Takes effect 90 days after adjournment.

H. B. No. 322.]

CHAPTER 29.

An act to amend Article 1407 of the Revised Civil Statutes of the State of Texas, relating to the security for costs by State officials in civil actions.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1407 of the Revised Statutes of this State be amended so as to hereafter read as follows:

Article 1407. Neither the State of Texas, nor the Railroad Commission of Texas, nor the head of any department of the State of Texas, prosecuting or defending in any action in their official capacity, shall be required to give bond on any appeal or writ of error taken by it, or either of them, in any civil case.

SEC. 2. The fact that the Railroad Commissioners are liable at any time to be called upon to execute appeal or writ of error bonds creates an emergency, and an imperative public necessity exists which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Approved, March 20, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 97, nays 2; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

H. B. No. 394.]

CHAPTER 30.

An act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes of the State of Texas, relating to county finances.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to read as follows, to-wit:

Article 867. When the Commissioners' Court has compared and examined the quarterly report of the Treasurer and found the same correct, it shall cause an order to be entered upon the minutes of the court stating the approval thereof, which order shall recite separately the amount received and paid out of each fund by the Treasurer since the preceding Treasurer's quarterly report, and the balance of such fund, if any, remaining in the Treasurer's hands, and shall cause the proper credit to be made in the accounts of the Treasurer in accordance with said order, and said court shall actually inspect and count all the actual cash and assets in the hands of the Treasurer belonging to the county at the time of the examination of his said report; and prior to the adjournment of each regular term of the court, the county judge and each of the commissioners shall make affidavit in writing that the requirements of this Article have been in all things fully complied with by them at said term of said court, and that the cash and other assets mentioned in the said county Treasurer's quarterly report made by said Treasurer to said court,

and held by him for the county, have been fully inspected and counted by them, giving the amount of said money and other assets in his hands, which affidavit of the members shall be filed with the county clerk of the county, and by him recorded in the minutes of the said County Commissioners' Court of the term at which the same were filed, and the same shall be published in some newspaper published in the county, if there be a newspaper published in the county, for one time, to be paid for at the same rate as other legal notices.

And any county judge, county commissioner, or county clerk in this State, who shall negligently or intentionally fail or refuse to comply with the requirements of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be fined in any sum not less than twenty-five nor more than five hundred dollars.

SEC. 2. The great importance of protection and safety of the public funds belonging to the counties of this State, and the absence of any adequate law to safely guard the same, creates an emergency, and imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, March 20, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 95, nays 2; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

H. B. No. 213.]

CHAPTER 31.

An act to restore and confer upon the County Court of Hardin County the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the County Court of Hardin County shall hereafter have exclusive original jurisdiction in civil cases wherein the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars exclusive of interest, and shall have concurrent jurisdiction with the District Court of said county when the amount in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

SEC. 2. Said County Court shall have appellate jurisdiction in civil cases over which Justices' Courts have original jurisdiction, when the judgment of the court appealed from, or the amount in controversy, shall exceed twenty dollars, exclusive of interest, and said County Court shall have power to hear and determine cases brought up from Justices' Courts by certiorari under the provisions of the title of the Revised Statutes of 1895, relating thereto.

SEC. 3 The County Judge of said county shall have authority, either in term time or in vacation, to grant writs of injunction, sequestration, mandamus, garnishment, attachment, certiorari, supersedeas, and all

other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the District Court or judge thereof.

SEC. 4. That said court shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons; and to apprentice minors, as provided by general law, and to issue all writs necessary for the enforcement of its jurisdiction, orders, and decrees.

SEC. 5. Said County Court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which said court has original or appellate jurisdiction.

SEC. 6. Said County Court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and excepting misdemeanors in which the highest penalty that may be imposed by the law is a fine, without imprisonment, that does not exceed two hundred dollars; and said court shall have concurrent jurisdiction with that of justices of the peace in criminal cases, and appellate jurisdiction, with trial de novo, in criminal cases in which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 7. The District Court of said county shall no longer have jurisdiction of misdemeanors, except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases of which the county court of said county, by provisions of this act, has original or appellate jurisdiction.

SEC. 8. It shall be the duty of the District Clerk of said county, within thirty days after this act shall take effect, to make full and complete transcripts of orders on the criminal and civil dockets then pending before the District Court of said county, of which cases by the provisions of this act original and appellate jurisdiction is given to the said County Court, and to deliver said transcript, together with the original papers in each case, to the County Clerk of said county, and the said County Clerk shall file the same and enter said cases on the respective dockets for trial by said court.

SEC. 9. The said County Court shall also have the power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over moneys collected under the process of said court, or other defalcations of duty in connection with such process, and shall have power to punish by fine, not exceeding one hundred dollars, and by imprisonment in the county jail, not exceeding three days, any person guilty of contempt of said court, and all other powers and jurisdiction conferred on county courts by the Constitution and general laws of this State.

SEC. 10. The terms of said court shall commence on the first Monday in February, and on the first Monday in May, and on the first Monday in August, and on the first Monday in November, of each year, and shall

continue in session for each term until the business may be disposed of: Provided, that the County Commissioners' Court of said county may hereafter change the terms of said court whenever it may deem necessary.

SEC. 11. All laws and parts of laws in conflict with this act, in so far as they relate to Hardin County, Texas, be and the same are hereby expressly repealed.

SEC. 12. The crowded condition of the docket of the District Court of Hardin County, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and said rule is so suspended, and it is so enacted.

Approved, March 20, 1897.

[NOTE.—The foregoing act passed the House, and having passed the Senate with the addition of the emergency clause (Section 12) by a two-thirds vote, yeas 26, nays none, the House concurred by a two-thirds vote, yeas 104, nays 1.]

H. B. No. 8.]

CHAPTER 32.

An act to amend Chapter six, Article 400, of the Penal Code of the Revised Statutes of the State of Texas, relating to the sale or gift of intoxicating liquors to minors.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 6, Article 400, of the Penal Code of the Revised Statutes of the State of Texas, shall hereafter read as follows, to-wit:

Any person who shall knowingly sell, or give, or cause to be sold or given, or shall procure, or cause to be procured, for delivery, any spirituous, vinous, or intoxicating liquor to any other person under the age of twenty-one years, without the written consent of the parent or guardian of such minor, or some one standing in their place or stead, shall be fined not less than twenty-five, nor more than one hundred dollars.

Approved, March 22, 1897.

Takes effect 90 days after adjournment.

S. B. No. 32.]

CHAPTER 33.

An act to amend Chapter 4, Title 7, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 4, Title 7, of the Code of Criminal Procedure of the State of Texas, be so amended as to add thereto Article 524a, to read as follows, to-wit:

Article 524a. When a witness resides in the county of the prosecu-

tion, whether he has disobeyed a subpoena or not, either in term time or vacation, upon the filing of an affidavit with the Clerk by the defendant or State's counsel that he has good reason to believe and does believe that such witness is a material witness, and is about to move out of the county, it shall be the duty of the Clerk to forthwith issue an attachment for such witness; provided, that in misdemeanor cases, when the witness makes oath that he can not give surety, the officer executing the attachment shall take his personal bond.

Approved, March 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 50.]

CHAPTER 34.

An act to amend Article 1757 of the Revised Civil Statutes (1895) of Texas, relating to the time and manner of making returns to the Secretary of State of elections for State and District officers, etc.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1757 of the Revised Civil Statutes of 1895 be amended so as hereafter to read as follows:

In all elections for Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Attorney General, State Superintendent of Public Instruction, Railroad Commissioners, Judges of the Supreme Court, Court of Criminal Appeals, Courts of Civil Appeals, and District Courts, District Attorneys, Representatives in the Congress of the United States, and for the adoption or rejection of proposed Constitutional amendments, the County Judge shall, on the Monday next following the day of election, or as soon thereafter as the Commissioners' Court shall have opened the returns and estimated the result, as provided in article 1753, make out duplicate returns of the election; one of which he shall immediately transmit to the seat of government of the State, sealed in an envelope, directed to the Secretary of State, and endorsed "Election Returns for County, for (filling the first blank with the name of the county and the other blank with the name of the office for which the election was held, or a designation of the proposed amendments to the Constitution voted upon, as the case may be); and the other of such returns shall be deposited in the office of the Clerk of the County Court of the county where such election was held.

Approved, March 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 83.]

CHAPTER 35.

An act to create a more efficient road system for Rains County, Texas, making provision for the appointment by the Commissioners' Court of said county of a county road commissioner for said county, prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for the working of county convicts, and delinquent poll tax payers, upon the public roads of said county, and regulating the same; providing for officers' fees and rewards, in convicting convicts and recapturing escaped convicts; for the summoning of teams and tools for road work, and compensation for same, and providing penalties for violations of this act, and to repeal all laws in conflict with this act, and providing for County Commissioners to act as road commissioners.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioners' Court of Rains county shall be empowered to appoint a county road commissioner for said county, who shall, under the direction of said court, have charge of all teams, tools, and machinery belonging to the county, under such rules and regulations as the Commissioners' Court may prescribe to superintend the laying out of new roads, the making, changing, and discontinuing of roads and the building and repairing of bridges, drains and culverts; provided, it shall be the duty of the Commissioners' Court to order the complete drainage of all basins, in the roads, so as to prevent the collection of water thereon, and the filling in and ditching, on the sides of all hills, on said roads, where water is inclined to run down, along or across the roadbed; said county road commissioner shall, before entering upon the duties of his office, enter into a good and sufficient bond, in the sum of two thousand dollars, with two or more good and sufficient sureties, payable to the County Judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the Commissioners' Court, and that he will account for all money or property belonging to the county that may come into his possession: Provided, it shall be within the discretion of the Commissioners' Court of said county to appoint such county road commissioner, and in case they fail to appoint such commissioner, the Commissioners' Court shall direct the action of the road overseers in said county, and in case of the appointment of said road commissioner he shall receive such compensation for his services as may be provided by the Commissioners' Court, not exceeding one dollar and fifty cents per day, provided, he shall never receive exceeding one hundred and twenty dollars in any one year.

SEC. 2. The Commissioners' Court of said county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out and draining and repairing the public roads and bridges in said county as it may deem best, and from time to time said court may change its plan or system of working; provided, said system or change of system shall not be in conflict with section one herein.

Said Commissioners' Court shall have power to purchase such teams, tools and machinery as may be necessary for working its roads, when there is money in the county treasury, belonging to the road and bridge fund, of said county, sufficient to pay for same and not otherwise appropriated.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract when there is sufficient road and bridge fund on hand for the payment of same. In such case, said court or the County Judge may advertise in such manner as said court may determine for bids to do such work; and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the County Judge of said county, for the use of the road and bridge fund, with two or more good and sufficient sureties, to be approved by the County Judge of said county, in such sum as the Commissioners' Court may determine, not less than double the amount of said bid, for the faithful compliance with the terms of said contract, which contract shall be in writing and signed by the bidder and the County Judge of said county: Provided, that if said County Judge shall knowingly approve any bonds herein provided for, when such bond is insolvent, he shall be liable, for any loss accruing therefrom, on his official bond, to be recovered by suit in the District Court of said county.

At the time of making such contract, the court shall direct the County Treasurer to pass the amount thereof to a particular fund for that purpose, and the Treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, unless such contract shall be forfeited, in which case, it shall revert back to the road and bridge fund from which it shall be appropriated, and same shall not be paid out except upon the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads under such regulations, and for such price, as they may deem best, not in conflict with the provisions of this act; and provided further, that no contract as provided herein, shall be made unless there is sufficient money in the treasury, of the road and bridge fund, subject to such order, to meet the same; provided, that the moneys expended under this provision shall be so expended as to inure to the benefit of all portions of the county so far as practicable.

SEC. 3. The Commissioners' Court of said county shall require all county convicts not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine and costs, for each day he may labor, to be applied first to the payment of his fine and then upon the costs. Such Commissioners' Court may provide such reasonable regulations and punishment as may be necessary to compel such convicts to perform good work; and said court may provide a reward, not to exceed twenty-five dollars, to be paid out of any road and bridge fund not otherwise appropriated, for the capture and delivery of any escaped convict, to be paid to any person, other than the guard or person in charge of such convict at the time of his escape. The Commissioners' Court may grant a reasonable commutation of time, for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-eighth of the whole time; and provided further, in case of such commutation, the losses shall be prorated on the fines and the costs.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicines, medical attention, and guards, for the safe and humane keeping of convicts, provided it shall not be deemed necessary to

provide additional prisons, while such convicts can be successfully employed in reach of the county jail, and such convict shall be employed as herein provided, until all fines and costs assessed against him shall be fully satisfied, except as herein provided; and provided further, that such convicts be worked as nearly as practicable so that all sections of the county may be equally benefited thereby; and provided further, that guards shall receive as compensation for their services not exceeding one dollar per day, out of which they shall pay their own expenses.

SEC. 4. The county road commissioner when appointed, shall have control of all road overseers in his county, and shall deliver to each of them all teams, tools, and machinery necessary in working the roads in his precinct, so far as he has been supplied therewith by the Commissioners' Court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the Commissioners, and shall fix the liability of the overseer, and any overseer or Commissioner who shall have been entrusted with any such property belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes, without the consent of the Commissioners' Court.

It shall be the duty of the road overseer when he has finished work on his roads, for the time for which he has warned his hands, to return to said Commissioner all such property received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the road commissioner to inform himself of the condition of the public roads of his county, and he shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining, or otherwise improving the same, not in conflict with the provisions of this act, which directions shall be observed and obeyed by all road overseers under the jurisdiction of said Commissioner.

SEC. 6. The road commissioner may require each road overseer to call out the hands in such numbers as may be sufficient to perform the work then demanded or as such overseer may be able to work to advantage, with such implements and teams as may be accessible to him, but no road hand shall be required to work exceeding five days in any one year, unless as a penalty for some offense or for a failure to pay his poll taxes, or two and one-half days with a double team, or three and one-half days with a single team, unless the term of service, as prescribed by general law, shall be extended beyond five days in each year, in which case the same proportionate allowance shall be made for teams, and provided that all road hands in any particular precinct shall as far as practicable be worked a uniform time, and provided further, that sickness or any other temporary excuse from working shall not avail as a credit on the time for which such hand is liable, but shall excuse him from any penalty at that time; and provided further, that each road overseer in said county shall keep an account with each hand liable to road service in his precinct, and shall charge each one with the time for which he is liable, and credit him with each day which said hand may work under the direction of his overseer.

Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road precinct and shall see that each hand when called out shall perform a good day's work; and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalties as if he had failed to appear in obedience to summons. The overseer shall be authorized to pass upon the sufficiency of any team or substitute offered to work upon the public roads in his precinct, and when he rejects the same his decision shall be final. The Commissioners' Court may allow any overseer who shall be necessarily engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and twenty-five cents per day for the time so served.

SEC. 7. Any citizen of Rains County liable for road duty, who shall on or before the first day of January of each year, pay to the county Treasurer the sum of three dollars and fifty cents shall be excused from road duty for such year, beginning on the first day of January of that year. The Treasurer shall receive and receipt for all such money so paid him and place it to the credit of the road and bridge fund of the road precinct from which it is so collected. The Treasurer shall on the third day of January, or as soon thereafter as practicable, furnish to each road overseer a list of all persons in his road precinct who have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying to his overseer at any time before the time appointed to work on his road, the sum of one dollar for each day that he is summoned to work on his road, and one dollar for each day he is summoned to furnish a double team for road work, and fifty cents for each day he is summoned to furnish a single team for road work, shall be exempt from working or furnishing his team for each day so paid for, and also exempt from all penalties for failure to work or furnish such team for the time for which he has so paid; and provided further, that if the overseer shall find it not necessary to work any or all of such hands or teams for the full time for which they may have been summoned, he shall credit each hand with the time actually worked, and the time necessary to reach his home, and discharge any or all such hands for the time being.

SEC. 9. Each person summoned to work on a road, shall take with him such implements suitable for working on the road as he may be summoned and directed by the overseer to take with him, or if he has no such implement, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the Commissioners' Court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work, provided such hand shall be allowed such time for the use of such team or teams as provided in Section eight herein.

SEC. 10. If any person liable to work upon the public roads after being legally summoned shall intentionally fail or refuse to attend either in person or by able and competent substitute, to be passed on by the over-

seer, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or pay to such overseer the penalties provided for in Section eight herein; or having attended as required shall fail to perform good service or any other duty required of him by law or by the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding twenty-five dollars nor less than ten dollars.

SEC. 11. At the regular term of the Commissioners' Court in November, A. D. 1897, and at the same time in each year thereafter, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said reports shall be examined by said court, and all accounts for services or labor performed, for overwork by him, shall be audited and settled; and as soon thereafter as practicable said Commissioners' Court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report, as required by law, or failing and refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law, or by the Commissioners' Court, or by the road commissioner, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than the sum of twenty-five dollars nor more than one hundred dollars; provided, it shall be *prima facie* evidence of his failure to perform his duty, if his road or roads be found in bad condition, and that he has not worked all the hands liable to road duty in his road precinct for the time for which they are liable to road duty in his road precinct for the time for which they are liable in that year; and provided further, that it shall be the duty of each overseer to report to the Commissioners' Court the state of his account with his hands; and provided further, that it shall be lawful for any overseer to deputize some one of his hands, who is fitted for the place, to perform his duties, whose acts shall have the same force and effect as if performed by the overseer himself; but the overseer shall be responsible for the negligence of his said deputy, the same as if he, himself, were guilty of such negligence.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the Commissioners' Court can not agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had, and the same right shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond, and provided that no public road shall be located within less than one hundred feet of the residence or barn of any land owner across whose land such road may be located without consent of such owner.

SEC. 13. The county road commissioner shall be entitled to one dollar and fifty cents per day for the services actually and necessarily performed, provided said sum to be paid him shall not exceed one hundred and twenty dollars per annum, which shall be paid out of the road and bridge fund when the same shall have been approved by the Commissioners' Court; and the court shall not approve said account, unless the commissioner presenting it shall sign an oath that the account is just, due,

and unpaid, and specifying the number of days actually performed by him, showing where each day was spent and how, and that it was necessary to be done; and no county commissioner shall be entitled to pay as county commissioner, for inspecting the public roads in his precinct; and provided further, that no county commissioner shall be required to ride over and inspect the public roads in his precinct, nor receive any compensation for such services, but the road commissioner shall perform the duties imposed on the county commissioners as inspectors of the public roads.

SEC. 14. It shall be lawful for any delinquent poll-tax payer in Rains County, to perform two days service upon the public roads in his road precinct in each and every year, in discharge of his said delinquent poll-tax, unless the rate of poll-tax now provided for by the general laws of Texas shall be changed, in which case a proportionate time of service shall be held to discharge said delinquent for one year's poll-taxes; and provided further, that this act shall not be held to annul any laws upon the general statutes of Texas for the collection of delinquent taxes, but shall be held as cumulative thereto in Rains County; and provided further, that such delinquent taxpayers shall perform such road service, under the direction of the road overseer, under the same regulations herein provided for parties subject to road service under the general laws of the State.

SEC 15. It shall be the duty of the Commissioners' Court, as far as practicable, to expend the money spent for bridges and improvements in the public roads for the benefit of the sections of the county in proportion to the amounts paid in from the different sections of said county.

SEC. 16. Provided, the County Commissioners' Court deem it best to not appoint a county road commissioner, it shall be the duty of the commissioners to supervise the public roads under the same provisions herein provided for county road commissioners, they to apportion the work among themselves and to enter into bond in the same manner provided for a county road commissioner, except that the bond may be for any sum not less than one thousand dollars each, and said court in such case shall designate and number the districts of each commissioner and he shall qualify as road commissioner for his road district.

SEC. 17. This act shall be taken notice of by all the courts in the same manner as the general laws of this State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to the County of Rains.

SEC. 18. All laws and parts of laws, in conflict herewith, are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the eleventh day of March, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 513.]

CHAPTER 36.

An act to diminish the civil and criminal jurisdiction of the County Court of Marion County in this State, and conform the jurisdiction of the District Court of said county to such change.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the County Court of Marion County, Texas, shall have and exercise the general jurisdiction of probate courts, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors as prescribed by law, and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing County Courts throughout the State; but said County Court shall have no other jurisdiction, civil or criminal.

SEC. 2. That the District Court of said county shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which by the general laws of the State, the County Court of said county would have jurisdiction, except as provided in Section one of this act, and that all cases other than probate matters and such as are provided in Section one of this act be and the same are hereby transferred to the District Court of said county, and all writs and process, civil and criminal, heretofore issued by or out of said County Court, other than those pertaining to matters over which, by section one of this act, jurisdiction is given to the County Court of said county, be and the same are hereby made returnable to the next term of the District Court in and for said county.

SEC. 3. That the Clerk of the County Court of said county be and he is hereby required, within twenty days after the passage of this act, to make a fair and complete transcript of all entries on the dockets of said court, theretofore made in causes which by Section two of this act are transferred to the District Court of said county, and file the same, together with the original papers of all causes and proceedings, with the Clerk of the District Court of said County of Marion; and all such cases shall immediately be docketed by the Clerk of the District Court of said county, and shall stand on the docket of said court as appearance cases for the next term of said court; and for each of such transcripts the County Clerk aforesaid shall receive twenty cents per one hundred words, and fifty cents for a certificate thereto, to be taxed as cost against the party cast in the suit, if a civil suit, and if a criminal against the defendant if convicted.

SEC. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. Whereas the immediate operation of the provisions of this act will save the county named herein a large and unnecessary expense, and whereas the time is short which remains to this session, and there is large amount of other business pending which creates an emergency and imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 90, nays none; and passed the Senate by a two-thirds vote, yeas 22, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the eleventh day of March, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 74.]

CHAPTER 37.

An act to authorize the Commissioner of the General Land Office to forfeit all lands heretofore sold by the State under any of the various acts of the Legislature, for failure to pay any portion of the interest thereon.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if upon the first day of November of any year any portion of the interest due by any person to the State of Texas for lands heretofore sold by the State of Texas, whether said lands be a part of the public domain or shall have been heretofore set apart for the public schools, university, or any of the other various State institutions, has not been paid, it shall be the duty of the Land Commissioner to endorse on the obligation for said lands, "Lands forfeited," and shall cause an entry to that effect to be made on the account kept with such purchaser, and thereupon said land shall thereby be forfeited to the State, without the necessity of re-entry or judicial ascertainment, and shall revert to the particular fund to which it originally belonged, and be resold under the provisions of the existing law, or any future law; provided, the purchaser of said land shall have the right, at any time within six months after such endorsement of "Lands forfeited," to institute a suit in District Court of Travis County, Texas, against the Commissioner of the General Land Office, for the purpose of contesting such forfeiture and setting aside the same, upon the ground that the facts did not exist, authorizing such forfeiture, but if no such suit has been instituted as above provided, such forfeiture of the Commissioner of the General Land Office shall then become fixed and conclusive; provided, that if any purchaser shall die, or shall have died, his heirs or legal representatives shall have one year in which to make payment after the first day of November next after such death.

This act is cumulative, and is not intended to deny to the State the right to institute any legal proceedings that may be deemed necessary to secure the purchase money or possession of the land so sold. And this act is intended to be applicable to all purchases heretofore made under any or all of the various acts of the Legislature under which land may have been sold by the State.

SEC. 2. The fact that the authority of the Land Commissioner to make forfeitures of land without judicial ascertainment has been questioned, and the fact that there are now more than ten thousand purchases which can be forfeited under the law, for non-payment of the

interest due thereon, and the further fact that it is almost impossible and certainly impracticable to institute so many different suits against so many different purchasers, creates an imperative public necessity requiring the suspension of the rule providing that bills be read on three several days, and the same is hereby suspended.

Approved, March 25, 1897.

Takes effect 90 days after adjournment.

H. B. No. 402.]

CHAPTER 38.

An act to authorize the Comptroller of Public Accounts and the State Treasurer to transfer the sum of twenty thousand dollars from organized county tax fund account to State revenue account.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Comptroller of Public Accounts and State Treasurer are hereby authorized and it is made their duty to transfer on the books of their respective departments, the sum of twenty thousand dollars from organized county tax account to State revenue account; the said amount having been at various times erroneously deposited to the credit of organized county tax account when it should have been deposited to the credit of State revenue account.

SEC. 2. The fact that the sum of money above named has been lying in the State treasury for a number of years to the credit organized county tax fund account, and thereby the State revenue account is deprived of the use of the same, creates an emergency and a public necessity that the law requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, March 26, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 98, nays none; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

H. B. No. 68.]

CHAPTER 39.

An act to amend Article 636, Title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgment of married women as to the conveyance of the homestead.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 636, Title 20, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to read as follows:

Article 636. The homestead of the family shall not be sold and conveyed by the owner, if a married man, without the consent of the wife. Such consent shall be evidenced by the wife joining in the conveyance and signing her name thereto, and by her separate acknowledgment

thereof taken and certified to before the proper officer and in the mode pointed out in Article 4621.

SEC. 2. The fact that there is now no adequate law in the State of Texas, for the acknowledgment of married women in the conveyance of homesteads, creates an imperative public necessity that this act take effect and be in force from and after its passage, and it so enacted.

Approved, March 26, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 93, nays none; and passed the Senate (vote not given).]

Takes effect ninety days after adjournment.

H. B. No. 67.]

CHAPTER 40.

An act to amend Article 635, Title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgments of married women as to the conveyance of their separate property.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 635, Title 20, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to read as follows:

Article 635. The husband and wife shall join in the conveyance of real estate, the separate property of the wife; and no such conveyance shall take effect until the same shall have been acknowledged by her privily and apart from her husband before some officer authorized by law to take acknowledgments to deeds for the purpose of being recorded, and certified to in the mode pointed out in Article 4621.

SEC. 2. The fact that there is now no adequate law in the State of Texas for the conveyance of real estate, the separate property of the wife, creates an imperative public necessity and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, March 26, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 99, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

H. B. No. 65.]

CHAPTER 41.

An act to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other fire arms at or into moving trains on railroads, or any railway depot, private residence, school house, church house, court house, store house, hotel, or other public or private building, public or private tent, sail-boat or steam-boat, in this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person who shall wilfully or maliciously throw a stone or other missile, or fire any gun, or pistol, at, against, or into, any engine, tender, coach, passenger car, whether moving or not, or any other car of any

moving train on any railway, or any railway depot, or any private residence, school house, church house, court house, store house, hotel, or other public or private building, public or private tent, sail-boat or steam-boat, in this State, shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum of not less than five dollars, nor more than one thousand dollars, or be confined in the county jail for any term of not less than ten days nor more than two years. During such term, such convict may be put to hard labor.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventeenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 115.]

CHAPTER 42.

An act to amend Articles 744a and 744b, of the Revised Civil Statutes of the State of Texas of 1895, relating to corporations for the construction of Union Depots.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 744a and 744b, of the Revised Civil Statutes of the State of Texas of 1895, be and the same are hereby amended so as hereafter to read as follows:

Article 744a. Corporations may be formed for the purpose of acquiring, owning, maintaining, and operating, union passenger depots in any city or town into which any two or more railroad companies may own or operate a railroad.

Such corporations may be formed in the manner provided in Title 21 of the Revised Civil Statutes of the State of Texas; and such corporations shall have power and authority to acquire, own or lease, maintain and operate railroad tracks in any city or town for the purpose of enabling railroad companies to run their trains to and from the union depot, such tracks not to extend to a greater distance than three miles from such union depot; and such corporations may also add additional stories to their depot buildings, and rent the same for offices, or other purposes; and may also provide on their property, buildings for express purposes, and rent the same to express companies; provided, that the Railroad Commission of Texas shall have the same supervision and control over said railroads and tariff rates and depots that it has over any other lines of railroad and depot buildings in this State.

SEC. 2. Article 744b. The provisions of Chapter 14, Title XCIV, of the Revised Civil Statutes of the State of Texas, shall govern and control the issuance of stock and bonds of such companies, as far as the same are applicable. Railway companies existing under the laws of this State, whether under general or special law, and railway companies incorporated under any general or special law of the United States, are au-

thorized and empowered to subscribe to the stock and purchase and own stock and bonds of any depot company formed under the authority of this act.

SEC. 3. The fact that there are no adequate provisions of law under which the purposes of this act can be accomplished, and the fact that the construction of union depots, which are now greatly needed, would probably be secured by the prompt passage of this act, creates an imperative public necessity and emergency, justifying a suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 93, nays 1; and passed the Senate by a two-thirds vote, yeas 22, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventeenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 2.]

CHAPTER 43.

An act to amend Articles 5139 and 5152 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-Fourth Legislature, relating to the assessment and collection of taxes on lands in unorganized counties belonging to non-residents, and to add thereto Article 5152a.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 5139 and 5152 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, be and the same are hereby amended, and a new article to be known as Article 5152a added, so as hereafter to read as follows:

Article 5139. The Comptroller of the State is authorized, empowered, and required, to assess and collect the State and county taxes on all lands in this State which are situated in unorganized counties thereof and owned by non-residents thereof, in the manner hereinafter provided.

Article 5152. All county taxes, other than taxes to pay pro rata of indebtedness to parent county, due unorganized counties, collected by the Comptroller, shall be kept by him to the credit of such unorganized county until the total sum to the credit of the county shall reach the sum of \$5000. Then he shall, upon the demand of the treasurer of the former unorganized county, when the same shall have organized, pay said sum, or whatever amount is held to the credit of said county, over to said Treasurer. And all county taxes collected by the Comptroller after the amount to the credit of such unorganized county shall reach the amount of \$5000, shall be paid into the county treasury of the organized county to which the unorganized county is attached for judicial purposes.

Article 5152a. Where the amount to the credit of any unorganized county now exceeds \$5000, the Comptroller shall keep said sum to be paid to the treasurer of such unorganized county when the same shall organize; and all county taxes, other than taxes collected to pay pro rata of indebtedness to parent county, hereafter collected by the Comptroller in such counties, shall be paid into the county treasury of the organized county to which such county is attached for judicial purposes.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; and there being no law authorizing the collection of county taxes from non-residents of unorganized counties, nor any law to make available such taxes within the time and for the purposes for which they were levied and collected, an emergency and an imperative public necessity exist wherefore the rule requiring bills to be read on three several days should be suspended, and this act should take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 23, (nays not given); and having passed the House, with amendments, by a two-thirds vote, yeas 86, nays none, was returned to the Senate, and the Senate concurred in said amendments (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the eighteenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 438.]

CHAPTER 44.

An act to prescribe the time of holding the terms of the District Court in the 25th Judicial District of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the terms of the District Court of the 25th Judicial District of Texas shall be held on and after July 1, 1897: In Gonzales County, on the first Monday in January and July of each year, and may continue in session six weeks. In Colorado County, on the first Monday in March and September of each year, and may continue in session four weeks. In Lavaca County, on the first Monday in April and October of each year, and may continue in session four weeks. In Guadalupe County, on the first Monday in May and November of each year, and may continue in session four weeks. In Wilson County, on the first Monday in June and December of each year, and may continue in session four weeks.

SEC. 2. That all process and writs heretofore issued or which may be issued up to the time this act takes effect by or from the District Court of said counties, and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said courts as prescribed by this act, and all such writs and process are hereby legalized

and validated as if the same had been made returnable to the term of said courts as fixed by this act.

SEC. 3. The fact that these courts will meet in less than ninety days after the adjournment of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 93, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the nineteenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 396.]

CHAPTER 45.

An act to amend Article 616a, of the Revised Statutes of the State of Texas, of 1895, relating to the formation of independent school districts, and prohibiting towns within such districts from assuming control of the schools therein while the independent district exists, and to validate certain independent school districts heretofore organized.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 616a, of the Revised Statutes of the State of Texas, of 1895, be amended so that it shall hereafter read as follows:

Article 616a. Towns and villages authorized to incorporate under this Chapter, or having two hundred inhabitants or over, may form an incorporation for (free) school purposes only, which may include within its bounds a town or village incorporated for municipal purposes, the same not having assumed control of the public schools within its limits; provided, that the territory so incorporated for (free) school purposes shall not exceed an area of twenty-five square miles; and when so desiring, an election may be held under the provisions of this title and chapter, and if, at such election, a majority of the votes cast be in favor of the incorporation, it shall be the duty of the county judge to make return thereof, and cause a record of the result of such election to be made, the same as provided for by Articles 585 and 586 of this chapter; upon which entry being made, such town or village shall be regarded as duly incorporated for the purpose of establishing and maintaining free schools therein, and shall, upon notice to the State board of education by the board of trustees hereinafter provided for, receive such pro rata share of the available school fund as its scholastic population may entitle it to. And provided, also, that all school incorporations hereafter formed under the provisions of this act shall have the right to levy and collect taxes and issue bonds for school purposes, the same as school incorporations heretofore formed.

When a town or a village is included in a corporation for (free) school purposes, and such town or village shall afterwards be incorporated for

municipal purposes, it shall not thereby acquire a right to take the control of the schools within its limits out of the hands of the school corporation.

SEC. 2. Independent school districts heretofore organized which have not the required population in the town proper, but have such population in the whole independent district, shall be validated by this act.

SEC. 3. All laws and parts of laws, general or special, in conflict with the provisions of this act, are hereby repealed.

SEC. 4. The fact that several independent school districts are affected by this act, and as the time for holding elections of trustees is near at hand, creates an imperative necessity requiring the suspension of the constitutional rule providing that bills be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 92, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the nineteenth day of March, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 7.]

CHAPTER 46.

An act to prevent the payment of any deficiency that may arise in any department of State Government or institutions of this State, unless an estimate of the same shall have been made out, sworn to, and presented to and approved by the Governor, and filed with the Comptroller, at least thirty days before such deficiency occurs.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all Heads of Departments, Managers of State Institutions, or other persons intrusted with the power or duty of contracting for supplies or in any manner pledging the credit of the State for any deficiency that may arise under their management or control, shall, at least thirty days before such deficiency shall occur, make out a sworn estimate of the amount necessary to cover such deficiency until the meeting of the next Legislature. Such estimate shall be filed with the Governor of the State, who shall carefully examine the same and approve the whole or any part thereof, and when approved, shall file the same with the Comptroller, and no claims shall be allowed by the Comptroller, or paid by the Treasurer, unless such estimate has been filed and approved as aforesaid: Provided, that the provisions of this act shall not apply to fees and dues for which the State of Texas may be liable under the general law.

SEC. 2. Provided, further, when any injury or damage shall occur to any public property from flood, storm, or any unavoidable cause, the estimate may be filed at once, but must be approved by the Governor as provided in Section 1 of this bill.

All laws and parts of laws in conflict with this act are hereby repealed, and this law shall take effect and be in force from and after its passage.

SEC. 3. The fact that there is now no law on the statutes of this State preventing the useless expenditure of public funds in this manner, and the further fact that this session is drawing to a close, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the nineteenth day of March, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

S. B. No. 152.]

CHAPTER 47.

An act to amend the Collin, Grayson, Williamson, Lamar, and Bell County, road laws, said law passed by the 23rd Legislature, by amending Section 10, in regard to the payment of commissioners when acting as road commissioners.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 10, as described in the caption of this act, shall hereafter read as follows:

Section 10. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law, or by the Commissioners' Court, shall be entitled to two dollars per day for the services actually performed; provided, that he shall not receive more than ninety dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the Commissioners' Court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due, and unpaid, and specifying the number of days' work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of a county commissioner.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. Owing to the crowded condition of the calendar and the improbability of reaching the bill before adjournment of the Legislature creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed on its third reading, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the eighteenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 144.]

CHAPTER 48.

An act to amend Article 749c of Chapter 18, of Title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 749c, of Chapter 18, of Title XXI, of the Revised Civil Statutes of the State of Texas, be amended so as to read as follows:

Article 749c. All private corporations authorized by the laws of Texas, as provided in Article 642, to do business in this State, whose main purpose is not the acquisition or ownership of lands, as mentioned in the preceding articles, which have, heretofore, or may, hereafter, acquire, by lease, purchase, or otherwise, more land than is necessary to enable them to carry on their business, shall, within fifteen years from the time this law takes effect, or the date said land may be hereafter acquired in good faith, sell and convey in fee simple all lands so acquired, and which are not necessary for the transaction of their business. And no private corporation shall be permitted to purchase any land under the provisions of this and the preceding articles, unless the lands so purchased are necessary to enable such corporation to do business in this State, or except where such land is purchased in due course of business, to secure the payment of debt; provided, however, that nothing in this law shall be construed to prohibit the lease, purchase, sale, or subdivision of real property within incorporated towns, cities, or villages, and their suburbs, not extending more than two miles beyond their corporate limits, by corporations whose charters authorize them to lease, purchase, sell, and subdivide, real estate, within towns, cities, and villages, and their suburbs, whether their suburbs be stated to be measured from the limits, merely, or the corporate limits, of such towns, cities, and villages; and provided, further, that all such corporations now existing, or which may be hereafter created, shall be authorized to lease, sell, or subdivide real property in any unincorporated city, town, or village, or the suburbs thereof, within this State; provided, if there be a court house in such city, town, or village, such lease, sale, or subdivision, may extend two miles in any direction from such court house. If there be a depot or depots, and no court house, then, the two miles shall be measured from the depot nearest the center of such city, town, or village; and in case there be neither court house nor depot, then, the two miles shall be measured from the center of such city, town, or village.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the eighteenth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 41.]

CHAPTER 49.

An act to amend Article 2979, of Chapter 4, Title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to make husband and wife competent witnesses, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2979, of Chapter 4, Title 55, of the Revised Statutes of the State of Texas, relating to divorce, be and the same is hereby amended so as to read hereafter as follows, to-wit:

Article 2979. In all suits and proceedings for divorce from the bonds of matrimony, the defendant shall not be compelled to answer upon oath, nor shall the petition be taken as confessed for want of answer, but the decree of the court shall be rendered upon full and satisfactory evidence, upon the verdict of a jury, if a jury shall have been demanded by either party, and if not, upon the judgment of the court affirming the material facts alleged in the petition. In all such suits and proceedings the husband and wife shall be competent witnesses for and against each other, but neither party shall be compelled to testify as to any matter that will criminate himself or herself, and where the husband or wife testifies, the court or jury trying the case shall determine the credibility of such witness, and the weight to be given such testimony; but no divorce shall be granted upon the evidence of either husband or wife, if there be any collusion between them.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the nineteenth day of March, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 171.]

CHAPTER 50.

An act to amend Article 3582a, Title LXXV.A, of the Revised Civil Statutes, in regard to the Board of Pardon Advisers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3582a, as described in the caption of this act, be amended so as to hereafter read as follows, viz.:

Article 3582a. The Governor is hereby authorized to call to his aid for a time not exceeding three hundred working days per annum, two qualified voters of this State, who shall perform such duties as may be directed by him, consistent with the Constitution, as he may deem necessary in disposing of all applications for pardon. The said two voters shall be known as the Board of Pardon Advisers, and shall be paid out of any money in the State Treasury not otherwise appropriated, four dollars each per day they may so serve, on vouchers approved by the Governor.

SEC. 2. That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

SEC. 3. The importance of the legislation proposed in this bill, and the crowded condition of the calendar and the near approach of the close of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, April 3, 1897.

[NOTE.—The foregoing act passed the Senate (vote not given); and passed the House by a two-thirds vote, yeas 91, nays 19.]

H. B. No. 633.]

CHAPTER 51.

An act to amend Section Forty Two of Article Twenty Two of the Revised Civil Statutes of the State of Texas, adopted and approved May 5th, 1895, providing for the reorganization of the Forty-Second Judicial District and to fix the time of holding court therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section Forty Two of Article Twenty Two of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

SECTION 2. The Forty-second Judicial District of the State of Texas, shall be composed of the counties of Comanche, Taylor, Jones, Callahan, Shackelford, Stephens, and Eastland, and the terms of the District Court shall be held annually therein, as follows:

In the County of Comanche on the first Monday in February and the third Monday in August, and may continue in session four weeks. In the County of Taylor on the fourth Monday after the first Monday in February, and the sixth Monday after the first Monday in August, and may continue in session four weeks. In the County of Jones on the eighth Monday after the first Monday in February, and the tenth Monday after the first Monday in August, and may continue in session two weeks. In the County of Callahan on the tenth Monday after the first Monday in February, and the twelfth Monday after the first Monday in August, and may continue in session three weeks. In the County of Shackelford on the thirteenth Monday after the first Monday in February, and the fifteenth Monday after the first Monday in August, and may continue in session two weeks. In the County of Stephens on the fifteenth Monday after the first Monday in February, and the seventeenth Monday after the first Monday in August, and may continue in session three weeks. In the County of Eastland on the eighteenth Monday after the first Monday in February, and the twentieth Monday after the first Monday in August, and may continue in session until the business is disposed of; provided, that the length of the term does not interfere with the terms of court in the other counties as is herein above fixed.

SEC. 3. All writs and process returnable to the District Courts, as heretofore fixed in the several counties affected by this act, shall be as valid and binding as if no change had been made.

SEC. 4. All laws and parts of laws in conflict with this act, be and the same are hereby repealed.

SEC. 5. Whereas, the interests of the people in this district are materially benefited by this act, and the crowded condition of the calendar, and the near approach of the close of this Legislature, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Approved, April 3, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 86, nays none; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

S. B. No. 30.]

CHAPTER 52.

An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of inter-state rate wars upon the business and interests of the people and railroads of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That in addition to the powers conferred on the Railroad Commission of Texas by Articles 4563 and 4567 of the Revised Statutes of this State, said Commission shall have power, when deemed by it necessary, to stop or prevent inter-state rate wars and injury to the business or interests of the people or railroads of this State, or in case of any other emergency, to be judged of by the Commission; and it shall be its duty, after three days' notice to the roads interested, to alter, amend, or suspend any existing freight rate on any railroad in this State, or to fix freight rates where none exist.

SEC. 2. That said emergency rates, so made by the Commission, shall apply on any one or more of all the railroads in this State, or part of railroads, as may be directed by the Commission.

SEC. 3. That said rates, so made, shall take effect at such time, and remain in force for such length of time as may be prescribed by the Commission.

SEC. 4. Whereas, there is no law of this State by which the evil effects of rate wars on inter-state railroads leading into this State can be prevented, a public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act shall take immediate effect, said constitutional rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved, April 5, 1897.

[NOTE.—The foregoing act passed the Senate, yeas and nays not given; and passed the House, yeas and nays not given.]

S. B. No. 75.]

CHAPTER 53.

An act to validate all office forfeitures of lands heretofore made by the Commissioner of the General Land Office for the non-payment of any part of the interest due thereon, which land has been heretofore sold by the State through any of its authorized agencies, and without reference to the date when, or the acts of the Legislature under which said sales were made.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all forfeitures of public land, university land, public school land, or land set apart to any of the various State institutions, which have been heretofore sold under any of the various acts of the Legislature, and the forfeitures made by the Commissioner of the General Land Office for non-payment of any part of the interest due thereon, and without judicial ascertainment, shall be and the same are hereby in all things made valid; provided, that such purchaser shall have the right at any time within six months after the passage of this act, and not afterward, to institute suit in the District Court of Travis County against the Commissioner of the General Land Office to set aside such forfeiture upon the ground that the facts did not exist authorizing such forfeiture, and such forfeiture shall be a full liquidation of all claims of the State against such purchaser.

SEC. 2. The fact that many tracts of land have been forfeited by the Land Commissioner, and that his authority so to do has been questioned, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and being amended in the House, passed the same by a two thirds vote, yeas 91, nays 7; and the Senate concurred in said amendments (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 15.]

CHAPTER 54.

An act to amend Article 2601, Chapter 6, Title 51, of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2601, Chapter 6, Title 51, of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

Article 2601. Any bond required by the provisions of this chapter to be given by a guardian shall be subscribed by such guardian, and by at

least two good and sufficient sureties, to be approved by the County Judge of the county in which the guardianship is pending; provided, that such bond may be made by corporations organized or created under the laws of this State for the purpose of issuing surety, guarantee, or indemnity bonds, guaranteeing the fidelity of executors, administrators, and guardians, and may be accepted by the County Judge.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

S. B. No. 251.

CHAPTER 55.

An act to prohibit in certain cases the gathering of pecan nuts, and the cutting, injuring or destroying of pecan trees, and prescribing a penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Any person who shall, hereafter, gather any pecan nuts upon enclosed land not owned, leased or controlled by him, unless it be made to appear in defense that it was done by the consent of the owner, lessor, or person in control, or any person who shall cut, destroy, or injure any pecan timber upon lands not his own unless it be made to appear in defense that it was done with the consent of the owner thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars, and not more than three hundred dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment.

SEC. 2. The fact that the pecan industry is now seriously suffering from, and its existence jeopardized by wanton and reckless destruction of pecan trees by others than their owners, creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate, yeas and nays not given; and passed the House, yeas and nays not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 548.]

CHAPTER 56.

An act to create a more efficient road system for Wise County, Texas, and making County Commissioners of said County ex-officio road Commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the duties and powers of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing officers' fees, and to provide for the payment for teams to work on roads and allowance for time of service for same on public roads in Wise County, and fixing penalty for violation of this act, and repeal all laws in conflict with this act, as to Wise County.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the Commissioners' Court of Wise County shall be ex officio road commissioners of their respective districts, and under the direction of the Commissioners' Court of said county, shall have charge of all teams, tools and implements belonging to said county and placed in their hands by said court, and it shall be their duty under such rules and regulations as the Commissioners' Court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of the commissioners shall, before entering upon the duties of his office, execute a bond of seven hundred dollars, with two or more good and sufficient sureties, payable to the County Judge, or his successor, of said county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the Commissioners' Court, and that they will account for all property belonging to the county that may come into their possession, that with the consent of the Commissioners' Court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioner shall receive any amount agreed upon by the Commissioners' Court, not to exceed two dollars per day. *Provided:* that county commissioners shall not be allowed any compensation as road commissioners, when a deputy road commissioner has been appointed.

SEC. 2. The Commissioners' Court of said county shall have full power and authority, and it shall be their duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plans or system of working said roads: Said court shall have power to purchase such teams, tools and implements as may be necessary for the working of said roads; such court shall have the power to construct, grade, or otherwise improve any road or bridge, by contract; in such case, said court, or the County Judge, by the authority of the Commissioners' Court, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the County Judge and his successor in office of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but the court shall reserve

the right to reject any and all bids. At the time of making the said contract, the Commissioners' Court shall direct the county treasurer to place the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court, and the said court shall have the power to employ any hands or teams to work on the roads in said county under such regulations and for such prices as they may deem it to the best interest of said county, not to exceed two dollars and fifty cents per day of ten hours per day, for a team and driver, and not to exceed one dollar and twenty-five cents per day for day hands; and no road hand when working out his time on the road shall be required to work but eight hours per day, but when hands are hired by the day they shall be required to work ten hours per day.

SEC. 3. The Commissioners of said county may require all county convicts of said county not otherwise employed, to labor on the public roads, under such regulations as said court may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine first, then on the cost, for each day that he may labor. The commissioners may at a regular term allow to the officers such amount of their cost for the arrest and conviction of said convict as it may deem best: provided, that it shall not allow to any officer an amount greater than the following: The County Attorney, five dollars, including commissions: County Clerk and Justice of the Peace, one dollar and seventy cents, sheriffs or Constable two dollars; which amount shall be paid out of the road and bridge fund on the warrant allowed by the Commissioners' Court, when said fine and cost shall have been worked out as provided for in this section: Provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State. The Commissioners' Court may grant a reasonable commutation of time for which a convict is committed as a reward for good behavior and faithful service: Provided, that such commutation shall in no case exceed one-tenth of the whole time. The Commissioners' Court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane treatment of convicts.

SEC. 4. It shall be the duty of the county commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers of his district.

SEC. 5. The commissioners may require each road overseer in his district to call out the hands in such number as may be sufficient to perform the work necessary: Provided, no road hand shall be required to work more than five days in any one year, and Provided, that all road hands in a particular district shall as far as practicable be worked a uniform time. Each road overseer shall have full control of all road hands within his road district, and he shall see that each hand when called out shall perform a good day's work, and if any hand so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may

direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The Commissioners' Court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar per day for the time he may serve over five days.

SEC. 6. Every person liable to work on public roads in Wise County who shall pay to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work shall be excused from work for each day paid for.

SEC. 7. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, or such tool as he is desired and directed by the overseer, or if he has no such tool as may be desired and directed by the overseer to take with him, he shall take such other suitable tool as he may have; and any person furnishing a team to work on the county roads of Wise County shall receive a credit of two days work for each day that said team shall be furnished. The county shall be liable for, and the Commissioners' Court, under such regulations as they prescribe, shall pay for all damage done to tools while being used on said roads for public road work, not caused by the negligence of the party furnishing the same.

SEC. 8. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 9. At the regular term in November of the Commissioners' Court, each year, all road overseers of Wise County shall make their report upon forms to be furnished them by the Commissioners' Court; said reports shall state the condition of their roads, number of hands and the name of each hand subject to road work, and the number of days that each hand has worked, amount of all money collected and expended; and if there is a balance on hand, it shall be turned over to his successor in office, to be paid out for work on said road; said report shall be sworn to before some officer authorized to administer oaths; said reports shall be examined by the Commissioners' Court, and if they be found correct, shall be approved by said court, and as soon thereafter as practicable, the same court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or failing to comply with the law in any way concerning his duties as overseer, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars.

SEC. 10. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, or draining any road or part thereof, if the owner of said land can not agree with the court as to damages to be paid, the court may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same right exist to each party that would

exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 11. Each county commissioner when acting as road commissioner shall be entitled to two dollars per day for services actually performed: Provided, that he shall not receive more than one hundred and fifty dollars for any one year, said amount to be paid out of the road and bridge fund, when the account shall have been approved by the Commissioners' Court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath, that the account is just, due, and unpaid, and said account shall specify the number of days work actually performed by him, and no commissioner shall be entitled to pay as road commissioner for the days that he is performing the duties of county commissioner, nor shall he be allowed pay for any other road service, except as herein provided for, neither shall he be required to inspect the roads as heretofore provided by law.

SEC. 12. This act shall be cumulative of all general laws on this subject and be taken notice of by all courts in the same manner as the general laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict, this act shall control as to Wise County, and all laws conflicting herewith are hereby repealed.

SEC. 13. The fact that a more efficient road law is needed, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 90, nays none; and passed the Senate by a two-thirds vote, yeas 24, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 236.]

CHAPTER 57.

An act to amend Article 22, Title 4, of the Revised Civil Statutes of the State of Texas (1895), so as to extend the terms of the District Court in Orange and Jefferson Counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That Article 22, Title 4, of the Revised Statutes of the State of Texas of 1895, be so amended as hereafter to read as follows:

Article 22. The first Judicial District shall be composed of the counties of Jasper, Newton, Orange, Jefferson and Tyler, and the District Court therein shall be held as follows:

In the County of Jasper on the first Monday in March and September, and may continue in session for three (3) weeks; in the County of Newton on the third Monday after the first Monday in March and Septem-

ber, and may continue in session for three (3) weeks; in the County of Orange on the sixth Monday after the first Monday in March and September, and may continue in session five (5) weeks; in the County of Jefferson on the eleventh Monday after the first Monday in March and September, and may continue in session six (6) weeks; in the county of Tyler on the seventeenth Monday after the first Monday in March and September, and may continue in session until business is disposed of.

SEC. 2. That all process and writs heretofore issued or which may be issued up to the time this act takes effect, by or from the District Court of said counties, and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said courts as prescribed by this act, and all such writs and processes are hereby legalized and validated as if the same had been made returnable to the term of said courts as fixed by this act.

SEC. 3. Whereas, the time now allowed for the terms of the District Court in Orange and Jefferson counties is not sufficient, and by reason thereof the dockets of said court are crowded with work undisposed of, renders it necessary and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and having passed the House with amendment (vote not given), the Senate concurred in House amendment (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 16.]

CHAPTER 58.

An act to amend Article 1942, Chapter 8, Title 39, of the Revised Civil Statutes of the State of Texas, of 1895, relating to bonds of administrators and executors and sureties thereon.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1942, Chapter 8, Title 39, of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 1942. Before the issuance of letters testamentary or of administration the person to whom letters are granted shall enter into bond with at least two good and sufficient sureties, who shall be bona fide residents of this State, to be approved by and payable to the County Judge of the county, in such penalty as he may direct, not less than double the estimated value of the estate of the testator or intestate, except in the case of temporary administrator, when the bond shall be in such sum as the county judge may direct; provided, that such bond may be made by any corporation or corporations organized or created under the laws of

this State, or foreign corporations permitted to do business in this State, for the purpose of issuing surety, guaranty, or indemnity bonds guaranteeing the fidelity of executors, administrators and guardians, and may be accepted by the County Judge.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

S. B. No. 246.]

CHAPTER 59.

An act to validate the incorporation of cities or towns of one thousand inhabitants or over, incorporated since March 30th, 1895, which have heretofore attempted to be made under certain conditions.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all cities or towns of one thousand inhabitants or over, incorporated since March 30th, 1895, which have heretofore attempted to accept the provisions of Chapter 1, Title 18, of the Revised Civil Statutes, and which have attempted to be incorporated under the provisions of said general law, but which said attempted incorporation is invalid by reason of the failure of said cities or towns to comply with all the requirements of the law relating to the incorporation of towns or villages, but which said cities or towns have from and after the dates of their several efforts to accept the provisions of law relating to the incorporation of cities or towns of one thousand inhabitants or over, exercised the functions of cities or towns of the class named, and been recognized as such cities or towns, be and are hereby declared to be cities of one thousand inhabitants or over, and their incorporation as such is hereby in all things validated; Provided, that nothing in this act shall be held to validate the incorporation of cities or towns that had less than one thousand inhabitants at the time of their attempted incorporation as such cities or towns of one thousand inhabitants or over.

SEC. 2. Whereas, the close of the 25th Legislature is near at hand, therefore an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate (vote not given); and passed the House by a two-thirds vote, yeas 106, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-third day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 227.]

CHAPTER 60.

An act to create a more efficient road system for McLennan County, Texas, and making county commissioners of said county *ex officio* road commissioners, and prescribing their duties as such and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts on the public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner and training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the Commissioners' Court of McLennan County shall be *ex officio* road commissioners of their respective districts, and under the direction of the Commissioners' Court shall have charge of all the teams, tools, and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the Commissioners' Court may prescribe, to superintend said laying out of new roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the County Judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the Commissioners' Court, and that they will account for all money or property belonging to the county that may come into their possession.

SEC. 2. The Commissioners' Court of said county shall have full power and authority, and it shall be its duty, to adopt such system of working, laying out, draining, and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working.

Said Commissioners' Court shall have power to purchase such teams, tools, and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade, or otherwise improve any road or bridge by contract. In such case said court, if they deem it necessary, or the County Judge, may advertise in such manner as the court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the County Judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. The said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The Commissioners' Court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he

may so labor. Such Commissioners' Court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work; and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as a part of the cost. The commissioners may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, and guards, for the safe and humane keeping of convicts. The Commissioners' Court may, at a regular term, allow to the officers such amount of their cost for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer a greater amount than he is now or may hereafter be allowed by general laws; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the Commissioners' Court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any teams, tools, or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the Commissioners' Court. It shall be the duty of the road overseer when he has finished work on his roads to return to said commissioner all tools and machinery received from him and take up the receipt taken therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road overseer to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the maner of grading, draining, or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require of each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or, in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work; and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the road overseer may direct, shall be

liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of McLennan county liable for road duty who shall on or before the first day of February of each year pay to the county treasurer the sum of three dollars shall be exempt from all road duty for such year beginning on the first day of February. The treasurer shall receive and receipt for all moneys so paid him, and shall place the same to the credit of the road and bridge fund. The treasurer shall on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying his road overseer at any time before the day appointed to work on his road, the sum of one dollar each day that he is summoned to work, and one dollar and fifty cents for each day that he is summoned to furnish his team for road work, shall be exempt for working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such teams for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the Commissioners' Court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time for each day put in by a hand with his team and one and one-half day's time for his team without such hand.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended shall fail to perform such good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the Commissioners' Court in February of each year, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled; and as soon thereafter as practicable said Commissioners' Court shall appoint and commission road overseers for the succeeding year, and in the event of the death, refusal or inability to act on the part of any road overseer so appointed, the county commis-

sioner of the precinct shall have authority to fill the vacancy and report his action in writing to the county clerk, who shall record the same in the minutes of the Commissioners' Court either in term time or vacation. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the Commissioners' Court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the Commissioners' Court can not agree upon the damage to be paid, the county may proceed to condemn the same in the manner that a railroad company may condemn land for right of way, and the same proceedings may be had and the same right shall exist to such party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view, but this section shall be cumulative thereof, and the Commissioners' Court of McLennan County may act under such general law, or the provisions of this section at their option in such case.

SEC. 13. It shall be the duty of the overseer to keep all hedges on or near the public road trimmed, so that the same shall not obstruct said road and shall not be of greater height than eight feet. The owner of any such hedge who shall refuse to have same trimmed, the overseer upon an order from the county commissioner of his precinct shall cause the same to be trimmed in accordance with the provisions of this act.

SEC. 14. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law, or by the Commissioners' Court, shall be entitled to three dollars per day for the services actually performed; provided, that he shall not draw such pay for more than thirty-five days per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the Commissioners' Court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath the account is just, due, and unpaid, and specifying the number of days actually performed by him and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road service.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict, this act shall control as to the County of McLennan, except where otherwise provided herein.

SEC. 16. The fact that there is now no sufficient general road law in force in this State creates an emergency and an imperative public neces-

sity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and having passed the House with amendment by a two-thirds vote, yeas 99, nays none, the Senate concurred in House amendment (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the twenty-fourth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 115.]

CHAPTER 61.

An act to amend Article 616, Chapter 11, Title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 616, Chapter 11, Title 18, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 616. When any corporation is abolished as provided in Articles 617b and 617c of the Revised Statutes, or if any de facto corporation shall be declared void by any court of competent jurisdiction, or if the same shall cease to operate and exercise the functions of such de facto corporation, all the property belonging thereto shall be turned over to the county treasurer of the county, and the Commissioners' Court of the county shall provide for the sale and disposition of the same, and for the settlement of the debts due by the corporation, and shall carry out and enforce all legal contracts of such corporation, and for this purpose shall have power to levy and collect a tax from the inhabitants of said town or village in the same manner as the said corporation would be entitled to, under the provisions of this chapter; provided, that when any town or city shall re-incorporate, under Chapter 1 or 11 of Title 18 of the Revised Statutes, upon a majority of the legal voters, tax-paying property holders of said town or city, all property, real and personal, of the old or de facto corporation, shall be vested in the new one; and provided, further, that the new corporation shall assume all the legal indebtedness, contracts and obligations of the old corporation; provided, where cities and towns have re-incorporated under Chapters one or eleven of Title eighteen of the Revised Civil Statutes, upon a majority of the tax-paying property owners of said city or town, all property, real or personal, of the old or de facto corporation shall be vested in the new corporation; provided, further, that the new corporation shall assume all the legal indebtedness, contracts, and obligations of the old corporation.

SEC. 2. There being no provisions by which new corporations can be vested with the property, and assume the indebtedness of the old corporation, and carry out and enforce contracts made by such corporations, an emergency exists, and an important public necessity demands the sus-

pension of the rule requiring bills to be read on three several days be suspended, and it is so suspended and declared that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays —; and passed the House (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the twenty-fifth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 31.]

CHAPTER 62.

An act to amend Article 838, Chapter 6, Title 17, of the Penal Code of the State of Texas, defining the crime of burglary.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 838, Chapter 6, Title 17, of the Penal Code of the State of Texas, be so amended as hereafter to read as follows:

Article 838. The offense of burglary is constituted by entering a house by force, threats, or fraud, at night; or in like manner by entering a house at any time, either day or night, and remaining concealed therein, with the intent in either case of committing a felony or the crime of theft.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the twenty-fifth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

S. B. No. 105.]

CHAPTER 63.

An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof, leading into the natural water-ways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into the same, by the owners of lands adjacent to said roads; and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefitted by such drainage system.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That for the purpose of this act, all public roads and highways that have been heretofore, or that may hereafter be laid out and established agreeable to law, and all roads and highways that have been opened to and used by the public for a period of ten years prior to the passage of this act, and which have not been discontinued or closed to the use of the public agreeably to law, are hereby declared to be public roads.

SEC. 2. The Commissioners' Court of any county in this State, at any regular session thereof, may, in the manner hereinafter provided, and the said court shall have power to cause to be constructed and maintained as hereinafter provided, ditches, drains, and water-courses, on and within the exterior lines of all public roads situated within any of the said counties, sufficient in capacity to carry off and into the natural water-ways of the county, all surface water reasonably adjacent and liable to collect in said ditch, drain, or water-course, from natural causes, or by means of the construction of private lateral ditches as hereinafter provided for, and shall also have power to construct, in connection with such drain or water-course, any side lateral spur or branch ditch or water-course necessary to the accomplishment of the purposes of this act; provided, however, that no ditch, drain, or water-course shall be constructed along any public road without there being constructed, at the same time, a ditch, drain, or water-course, as an outlet to a natural water-way, sufficient in capacity to carry off all water that may collect therein; provided, further, that the word "ditch" in this act, hereafter shall be construed to embrace any ditch, drain, or water-course, that may be constructed under the provisions of this act.

SEC. 3. Before the Commissioners' Court of such county shall have the power to order the construction or establishment of any ditch, drain, or water-course provided for in this act, there shall be filed with the county clerk of the County Court of said county a petition signed by at least one hundred tax-payers and voters of said county, which petition shall set forth the necessity and availability for such drainage system, and the number of miles of public roads within such county, as accurately as the same may be known, and as near as practicable, the width and depth required for the ditches to be constructed along the first-class roads of the county. Said petition shall, also, separately state the name and location of each of the natural water-ways of such county, crossed by each of the first-class public roads of the said county, and the distance of said natural water-ways, one from the other, along said road; said petition shall also state the names and residence, if known, of the owners of the lands adjacent to each of said first-class public roads, and within one mile thereof, and if unknown, the same shall be stated therein.

SEC. 4. Upon the filing of said petition with the clerk of the County Court he shall issue five notices in writing, containing a brief statement of the contents of said petition, commanding all persons interested, to appear at the next regular term of the Commissioners' Court of such county and contest the same. One of said notices shall be posted at the court-house door of such county, and one each at four other public places in such county, no two of which shall be in the same town or city, for twenty days prior to the first day of the next regular term of the Commissioners' Court after the issuance thereof. Said notices shall be posted by the sheriff of the county, who shall make due returns to the clerk of the County Court of such notices, on or before the said first day of the term, and for such services the sheriff shall receive a fee of three dollars, and the clerk shall receive a fee of one dollar and fifty cents.

SEC. 5. At the next regular term after the filing of the petition and issuance of notices, the Commissioners' Court shall hear and determine the same in connection with all protests, remonstrances, or objections thereto, and if they find that the adoption of the drainage system provided for herein is necessary, advisable, or for the public benefit, or for the best interest of the county, the said court shall so order, and the order shall be entered at length upon the minutes of the court, and become a part of the record thereof, and the same shall recite the time, character, and manner of service of notice, and if it appears therefrom that notice has been given as provided for herein, the said order shall be final, and thereafter no question shall be raised as to the power of the court to hear and determine said application.

SEC. 6. At the same or any succeeding term of the Commissioners' Court after the entry of the order adopting the drainage system provided for herein, the Commissioners' Court shall employ a competent surveyor, who shall be an engineer, to run a line of levels along the public roads of the county, and to measure the same from the beginning to the terminus of said road, and to measure the distance of each water-way crossed by said roads from the beginning point, together with the frontage of each tract of land abutting on said road, and also, the distance from said road of any adjacent natural water-way, with a line of levels thereto; provided, that the said survey and the drainage system herein provided for, shall be first applied to the first-class roads of such county, and thereafter to roads of the second and third class; and provided, further, that nothing herein shall be construed to prohibit the said court from constructing one or more ditches at the same time, as the financial condition of the county will permit.

SEC. 7. The surveyor shall, as soon as practicable after his employment, proceed to make an accurate survey and system of levels as provided for in Section 6 of this act, and shall cause stakes or monuments to be placed along said line at intervals of 100 feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent bench marks along said lines at intervals of one mile or less, as may be necessary, and shall establish by stake or monument of a different character and appearance from all other stakes or monuments the highest point upon said road between each of the natural water-ways crossed by the road; said surveyor shall, also, measure and establish by suitable marks, the frontage of each tract of land abutting on said road, and if there be a natural water-way adjacent to the line of said road and ditch

and the same is necessary to be utilized as an outlet for the water at any point on said ditch, the surveyor shall measure the distance to same, and run the line of levels thereto, at the nearest practicable point on said road and ditch. He shall prepare a map showing the location of said ditch or ditches, together with the position of stakes or monuments with numbers corresponding with those on the ground, and the position of bench marks, with their elevations referred to an assumed or previously determined datum. Said map shall also show the lines and boundaries of adjacent land, and the courses and distances of any adjacent water-course, together with a profile of the line of the ditch, which shall show the assumed datum and the grade line of the bottom of the same, and the elevation of each stake, monument, or other important feature along the line, such as top of banks, and bottom of all ditches or water-courses, and surface of water, top of rail, and bottom of tie, foot of embankment, bottom of burrow pits of all railroads. And said map, or the explanation accompanying the same, shall, in tabular form, give the depth of cut, width at bottom and width at top, at the source, outlet, and at each one hundred feet stake or monument to said ditch, drain or water-course. Said map or the explanation accompanying the same, shall show the total number of cubic yards of earth to be excavated and removed from said ditch between each natural water-way into which the water is to be conveyed, and an estimate of the cost of each portion of the said ditch or ditches lying between natural water-ways crossed by said road, together with an estimate of total cost of the whole work.

The surveyor shall, as soon as the survey is completed, prepare and file, together with his report and map as herein provided for, specifications in detail for the execution of the same, and whenever in the opinion of the surveyor it may be advantageous to run said ditch under ground through drainage tiles, he shall so state in said report, map, and specifications, together with the statement of the locality of said underground ditch, and length thereof, and the dimensions or character of tiling or other material required therefor. The survey, report, map, explanation, and estimate, herein provided for, shall be made and filed with the county clerk of the county by the surveyor as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions to be met in the construction of said ditch or ditches.

SEC. 8. At any regular or called session of the Commissioners' Court after the filing of the report, map, explanation, specifications, and estimate, of the surveyor, provided for in Section 7 of this act, the court shall appoint a jury of five free-holders of the county not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said ditch or ditches, and not of kin to any of the parties so directly interested therein, who shall constitute a jury of viewers who shall meet at a time and place to be specified by the said court in the order appointing them, and it shall be the duty of the county clerk thereupon to issue to the said viewers a certified copy of the petition and order of the court, together with the original report, map, explanation, specifications, and estimate, of the surveyor, and if said jury of viewers shall fail or refuse from any cause to perform the duties required under such appointment, or if their report, from any cause, should not be adopted, the court may at any succeeding term, appoint another jury of viewers,

whose appointment and duties shall be the same as required in the first instance. The jury of viewers shall proceed at the time and place specified in the order of the court appointing them, after having given notice to each abutting land owner, and owner of land within one mile of said ditch, as hereinafter provided, and after viewing the line of the proposed ditch, and after hearing all protests, claims and remonstrances offered, they shall take the several partial estimates, and the estimate of the total cost of the work as made by the surveyor as a basis, and they shall set apart and apportion to each parcel of land abutting on said road and ditch or within one mile of the same, and to each person, firm, or corporation owning the same, the proportionate share chargeable to such tract of the one-half of the total cost of the said ditch, drain, and water-course, taking into consideration the relative amount of benefit derived by said land from the construction thereof, and they shall assess the amount of damages or compensation due to each land owner through whose land any spur, branch, or lateral ditch, is, or may be constructed under the order of appointment, which sum shall be paid by the county before the opening of such ditch is begun; provided, that said jury of viewers shall have lines run parallel to the line of said [ditch], at a distance of one mile upon either side of the same, and no lands lying outside of said lines shall be assessed with any portion of the cost of such ditch and drain, but all lands and tracts of land lying within said lines may be assessed their proportionate share of said one-half of the total cost, taking into consideration the amount or value of benefits derived by said lands or tracts of land from the construction of such ditch. The jury of view shall make a report to the Commissioners Court, under oath, as soon as practicable after their meeting, signed by at least three of said jury, and duly verified under oath, and shall return with their report a description as accurate and complete as may be, of each tract or parcel of land assessed by them, together with the number of acres and the name of the owner or owners thereof, and the amount by them assessed against each tract, and the owner thereof. The jury of viewers shall also return with their report, the map, profile, explanation, and estimates, of the surveyor, together with a copy of the specifications, and the same shall be filed with the clerk, and shall become a public record and be preserved as such, and the court shall act upon said report at the next regular or called term, and approve or reject the same; provided, that the court may appoint separate juries of view for each road and ditch to be constructed, if deemed desirable or of advantage to the public.

SEC. 9. The said jury of viewers, before proceeding to act as such, shall take the following oath before an officer authorized to administer the same, to-wit: "I do solemnly swear that I am not directly interested in the construction of the proposed ditch, either as the owner or otherwise of adjacent land lying within one mile thereof, and that I am not of kin to any person who is so interested. I further swear that I have no bias or prejudice towards any person directly interested in said ditch, and that I will assess the amount of expense due on and by all adjacent lands lying within one mile of said ditch, according to law, without fear, favor, hatred, or hope of reward, to the best of my knowledge and ability. So help me God."

SEC. 10. The said jury of view, as provided for in this act, shall issue a notice in writing to the land owner of each abutting tract along said

ditch, and to each land owner, any part of whose land lies within one mile of the line of said ditch, or to his or their agent or attorney, of the time and place when they will assess the one-half of the expense incidental to the construction of the ditch or ditches specified in the order of appointment, which notice shall be served upon such owner, his agent or attorney, at least five days before the day named therein; said notice may be served by any person competent to testify, and a duplicate of said notice, together with the returns of said service, shall be returned and filed with the report of the jury of viewers. If such owner is a non-resident of the county, and has no resident agent or attorney therein, the notice shall be given by publication in a newspaper published in the county, as notices are required to be given to non-resident defendants in actions in the District Courts, and said notice shall be complete after four weeks publication thereof prior to the date named for the meeting of the jury of view, and at any time thereafter the jury of viewers may proceed to assess the proportionate part of such expense against said non-resident land owner, and the land owned by him subject thereto. The cost of such publication shall be paid by the county, on an order of the Commissioners' Court.

SEC. 11. Any person who may be affected by such ditch, drain, or water-course, or any citizen of the county, shall have the right to appear before the Commissioners Court on the hearing of the petition for the establishment of the drainage system, and shall have the right to be heard upon their protest, remonstrances and objections thereto; but the action of the court thereon shall be final; and in case the court shall refuse to adopt the drainage system provided for herein, no application therefor shall be filed or heard by said court for one year thereafter.

SEC. 12. Any person whose land may be affected by such ditch, drain, or water-course, shall have the right to appear before said viewers and freely express their opinions on all matters pertaining to the assessment of expense against them, and the owner of any such lands may at the time stated in such notice or previously thereto, present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by reason of the making of said ditch or drain, and a failure to make such objection or claim for damages or compensation in writing as herein specified shall be deemed a waiver of all claim or right thereto, all of which said claim or objection shall be returned to the Commissioners Court in connection with the report of the viewers; provided, that any adjacent land owner shall have the right to appear before, and be heard by, the Commissioners Court on his protest or remonstrance or claim against the action of the jury of viewers.

SEC. 13. Any person, firm, or corporation, aggrieved by the assessment of expense for construction of any ditch or ditches by the jury of view, or any person, firm, or corporation, aggrieved by the assessment of damages or compensation allowed by the jury for land taken or applied to the construction of any lateral, spur, or branch ditch, may appeal from the final order of the Commissioners Court approving the report of said jury to any court within the county having jurisdiction of the amount of such assessment, by giving notice of appeal in open court and having the same entered as a part of the judgment of the court, and by filing, within ten days thereafter, a transcript of the proceedings had in the Commissioners

Court, with the justice, or clerk of the court to which appeal is taken, together with an appeal bond with at least two good sureties, to be approved by such clerk or justice, in double the amount of the probable costs to accrue, conditioned that the appellant will prosecute his appeal to effect, and pay all costs that may be adjudged against him in said court; and if the appeal is taken from an assessment of expense levied by the jury of viewers against the appellant, the said appeal shall be heard upon the following issue, to-wit: "Whether the assessments made against the appellant for the construction of such ditch are in proportion to the benefits to be derived therefrom." And if the appeal is taken from an assessment of compensation made by the jury of viewers in favor of appellant for land taken and applied to the construction of such ditch, or any portion of the same, the said appeal shall be heard upon the following issue, to-wit: "Whether the assessment of compensation made by the jury is adequate to the injury occasioned and to the value of the land."

SEC. 14. In the trial of all cases so appealed from the order of the Commissioners' Court, the burden of proof shall rest upon the appellant and the court or jury trying the cause shall state the correct amount of expense chargeable to appellant, or the correct amount of compensation due to appellant, as found by them, and the same shall be entered as the judgment of the court thereon, and from such judgment no further appeal shall be allowed to either party, and if the verdict of the jury shall find the appellant chargeable with a less amount of expense, or that the appellant is entitled to a greater amount of compensation as damages, than was found by the jury of viewers, the costs shall be adjudged against the county; otherwise the same shall be adjudged against the appellant. Within five days after the entry of such judgment, the clerk or justice shall issue and return to the Commissioners' Court, a certified copy of such judgment, to be filed with the papers pertaining to such ditch, and the same shall be entered by the Commissioners' Court, as the judgment of said court, and thereafter the appellant shall be holden for, or claim, as the case may be, the amount specified in said judgment.

SEC. 15. The Commissioners' Court of such county may at the next term thereof, after the filing of the report of the jury of viewers and the entry of the order approving the same, if the report be approved, make an order setting aside such portion of the road and bridge fund, and such portion of the special road and bridge fund, if any, as may be necessary for the construction of the ditch or ditches described in the report of the jury of viewers, and shall also enter an order to the overseer or overseers of the road adjoining said ditch or ditches, or to the supervisor of the road or to the road commissioner, commanding him to construct such ditch or ditches in accordance with the specifications of the surveyor, which shall be turned over to him for his information, and that the earth taken therefrom shall be used in making a raised road adjoining said ditch or ditches, and the court shall further order that all the road hands apportioned to said road, and that any teams, tools or materials belonging to the county, and necessary to the execution of such work be apportioned to said overseer, supervisor, or commissioner for the completion thereof; and shall authorize such overseer, supervisor, or commissioner to employ such additional labor and teams, and to purchase tools and implements as may be necessary, to be paid for out of the road

and bridge fund set aside therefor, on the order of the Commissioners' Court, and the said order shall further show the amount of compensation to be allowed to the said overseer, supervisor, or road commissioner for his services.

SEC. 16. The Commissioners' Court may employ some suitable and competent person other than the overseer, road commissioner, or supervisor if to the best interest of the county, and such person shall have the same powers, duties, and responsibilities as provided for overseers, road commissioners, and supervisors, in Section 15 of this act, and the court shall enter an order showing the amount of compensation to be paid him for his services.

SEC. 17. At the same or at any succeeding term after the entry of the order for the construction of the ditches and roadway as provided in Section 15 of this act, the Commissioners' Court shall make and enter upon the minutes of the court, a list, showing the names of the owners, amounts due, the tract of land, original grantees, number of acres covered by each assessment of expense, as made and reported by the jury of viewers, and as approved by the court, and the county clerk shall issue a certificate against each person on said list, showing the amount of such assessment, and for what ditch or road the same was issued, and the tract of land on which said amount was assessed, which certificate shall be signed by the County Judge in open court, and attested under the hand and seal of the said county clerk, which fact shall be noted upon the minutes of said court.

SEC. 18. The County Judge shall deliver the certificate to the County Treasurer, taking his receipt therefor, which shall be filed with the papers and archives concerning such ditch, and the County Treasurer shall collect the sums due on such certificates, and deposit the amount so collected to the credit of the road and bridge fund.

SEC. 19. In case any person against whom any such certificate may be issued shall fail or refuse to pay the same to the County Treasurer on demand therefor, such Treasurer shall turn same over to the county attorney, who shall, at once, file suit thereon, and have the lien on said land, herein provided for, foreclosed, or for a personal judgment, as may be lawful.

SEC. 20. All assessments, sums, and charges, by the said viewers, or order of court, assessed against any lands or land and the owner or owners thereof, shall be a lien thereon unless prohibited by the Constitution of this State, and the same shall be collected in the manner provided in Section 19 of this act; and any damages for compensation awarded by said jury of viewers, to any land owner, on the order of the court, shall be paid out of the county treasury on the order of said court, from the fund set aside for the construction of such ditch or ditches.

SEC. 21. The said jury of viewers shall each receive the sum of three dollars per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compensation, such sum as may be allowed by the Commissioners' Court, provided no road overseer or any court shall on petition or otherwise have the power to change the natural course of any branch, creek, or water stream, but such volume of water shall always enter and cross said road at its natural crossing, and overseers shall always, in draining their roads, provide a culvert sufficiently broad and tall to permit said stream to flow at high

tide, from its intersection with said road, across to its natural outflow at the opposite natural channel.

SEC. 22. Any owner of lands or tracts of land abutting on said road or ditch, or the owner of any tract of land lying wholly or partially within one mile of such road or ditch may construct lateral drainage ditches and connect the same with such main ditch or ditches as shall be constructed under the provisions of this act, provided the same be done at his own cost.

SEC. 23. The provisions of this act shall be cumulative to all other provisions of law, and shall not be held to repeal any existing law upon the subject of drainage.

SEC. 24. Whereas, the great importance of legislation on the subject matter of this bill to large sections of the State, having insufficient drainage laws, causing great loss, creates an emergency, and the public necessity demands the suspension of the constitutional rule which requires the bill to be read on three several days, therefore the rule is suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 1; and having passed the House by a two-thirds vote, yeas 102, nays none, the Senate concurred in House amendments (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the twenty-fifth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 248.]

CHAPTER 64.

An act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas, Harbor Island, certain shoal waters and flats in front thereof, and in Red Fish Bay, and to excavate a free channel along and through Turtle Cove between Corpus Christi Bay and the deep water harbor or channel at or near Aransas Pass, on the gulf coast of Texas, in order to encourage the procuring and maintenance of deep water at Aransas Pass, and prescribing certain conditions attaching to and following said purchase.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Aransas Pass Harbor Company shall be permitted to purchase from the State of Texas, at two dollars per acre, all or any portion of Harbor Island, situated near Aransas Pass, on the Gulf Coast of Texas, as well as the shoal waters and flats lying in front of said island on its East side out to the present deep water channel, and also, all and any flats and shoal waters in Red Fish Bay, lying in one half mile of any deep water channel navigable for sea-going boats, that may be hereafter constructed by said company through or in said Red Fish Bay connecting the same with Aransas or Corpus Christi Bays, or the Morris and Cummings Channel, and extending to the shore of Red Fish Bay at and near the present town

site of Aransas Pass; provided, that any channel so constructed in Red Fish Bay shall be, throughout, at least sixty feet wide at the bottom, and five feet deep, and provided, further, that said company shall not be permitted to purchase any flats or shoal waters in Red Fish Bay lying within one-half mile of any private holdings fronting on said Red Fish Bay on the side next to the present town site of Aransas Pass; provided, that all channels excavated or constructed by said Aransas Pass Harbor Company under the authority of this law, shall forever remain open and free to all vessels, without fee or charge; provided, that said company shall not be permitted to purchase the twenty-five acres of Harbor Island heretofore patented to the United States and on which Aransas Lighthouse now stands, nor the shoal waters or flats in front thereof, nor the land on which the State Quarantine Station is now situated on said island, nor the shoal waters or floats [flats] in front thereof, which said land is hereby specially reserved to the State, and which said land, so reserved, is described as follows: Beginning at a point situated at mean low tide mark on the East shore of said Harbor Island, one half mile in a northerly direction from the center of the foot or shore ends of the present Quarantine Wharf; thence, in a southerly direction, along the East shore of said island at mean low tide mark, with its meanders, one mile, to the S. E. corner of this tract of land; thence, in a westerly course, at right angles with the general course of the line above established, one-half mile established corner, for the S. W. corner of this tract; thence, in a northerly direction, parallel with the general course of the East line of this tract, as herein first above provided, one mile established, the N. W. corner of this tract; thence, in an easterly direction, parallel with the South line of this tract, one-half mile, to point of beginning on East Shore of Harbor Island for N. E. corner: Provided, however, that if said described property is abandoned by the State as a quarantine station, and hereafter put upon the market for sale or lease by the State, said Harbor Company shall have the preference right to buy or lease same at the price that may hereafter be put thereon by the State; Provided, however, that such preference shall continue for ninety days only, after the time said property is put on the market by the State for such sale or lease; Provided, further, that said company shall be permitted and authorized to excavate a free channel, one hundred feet wide at the bottom, and navigable throughout to ocean-going vessels along and through the shallow bay or cove, locally known as "Turtle Cove," and situated between Harbor Island on the North and Northwest, and Corpus Christi Bay on the West side, and Mustang Island on the South and Southeast, and Aransas Pass and Aransas Bay on the East and Northeast; Provided, further, that said company shall not purchase or acquire any of the shoal waters or flats adjoining what is known as Shell Bank Island, Talley Island, and the shell reef running towards the main land from said island. Be it further provided that nothing in this act contained shall be so construed as to affect or impair the vested rights of any person, firm, association of persons, or corporation.

SEC. 2. To entitle said Aransas Pass Harbor Company to acquire any title to said lands, shoal water, or flats, or any part thereof, under the provisions of this act, the said company shall have constructed a navigable channel twenty feet deep at mean low tide, one hundred and fifty feet wide at the bottom, on and across Aransas Bar, connecting the deep water

of the Gulf of Mexico with the deep water of Aransas Bay, by the first day of January, 1899, and shall have maintained said depth of twenty feet continuously for two years, after obtaining same, throughout the length and breadth of said channel. The depth of said channel shall be determined at mean low tide by the engineer in charge of the work and by a competent engineer appointed by the Governor of the State of Texas for that purpose, and who shall be paid for such services by said company, while engaged in said service, whose joint certificate as to the depth of water on said bar, showing full twenty feet of water in said channel throughout its length and breadth, and for the time required by this act, shall be evidence thereof unless legally controverted, sufficient to authorize the Commissioner of the General Land Office to issue patents to said company for such lands as the said company shall elect to purchase under this act, provided that said engineers shall make said measurements at least twice annually and at least six months apart, after said twenty feet of water has been obtained, and the certificate of each measurement shall be filed with the Commissioner of the General Land Office, within thirty days after such measurement is made, and each certificate shall show full twenty feet of water, at mean low tide, throughout said channel.

SEC. 3. Said Aransas Pass Harbor Company shall not be entitled to apply for the purchase or for a survey with the view or purpose of purchasing any of said lands, flats, or shoal waters, before said company shall have procured, constructed, or caused to be constructed, a navigable channel, on, across, and through, said bar, having a depth of fifteen feet of water at mean low tide and being one hundred and fifty feet wide at its bottom. The depth of water in said channel shall be determined by the same authority, and in the same manner as is prescribed in the preceding section of this act for determining the depth of the twenty-foot channel. Upon the joint certificates of said engineers, showing that said depth of fifteen feet of water has been obtained, and the application for survey of said company being filed with the Commissioner of the General Land Office, said company shall be entitled to have the land, shoal waters, or flats, applied for, surveyed and platted, as in other cases as provided by statute for the sale of unappropriated public domain, which survey, plat, and field notes, shall be made by the county surveyor of the county where such land, shoal waters, or flats, are situated, and after being by him properly recorded as provided in other cases, shall be by him returned to the Commissioner of the General Land Office, and there filed, after which said company may make application for the purchase of such lands, shoal waters, or flats, as indicated by such surveys, plats, and field notes, so filed in the General Land Office.

SEC. 4. Upon the application of said Aransas Pass Harbor Company to the Commissioner of the General Land Office, accompanied by one-fifth of the purchase money for said land, shoal waters, or flats, or the part thereof intended to be purchased, the Commissioner of the General Land Office shall execute his receipt for the money when paid, and plat the field notes upon the maps of his office, and the remainder of said purchase money may be paid thereafter at any time within five years, the deferred payments to bear interest at the rate of five per cent per annum, payable annually until said purchase money is fully paid. One-half of the proceeds of any such sale shall belong to the permanent school fund and one-half to the general revenue of the State. If the said Aransas

Pass Harbor Company shall fail to pay the said annual interest upon any part of the purchase money when said interest shall become due, or shall fail to pay the principal when the same shall become due, then all rights acquired under the purchase, with all payments made thereon, shall be forfeited without judicial ascertainment of such forfeiture, and the Commissioner of the General Land Office shall endorse upon the contract of purchase, that the same is forfeited, whereby all rights so acquired shall be forfeited and revert to the State; Provided, that no patents shall issue for such land, shoal waters, or flats, until the provisions of Section 2 of this act have been complied with and all of the purchase money and interest paid; Provided, that the application to purchase the lands herein permitted to be purchased, and the first payment of one-fifth of the purchase price thereof, shall be made not later than two years after a depth of twenty feet has been attained, as shown by the certificate of the engineers herein provided for.

SEC. 5. The sale of lands herein authorized and the rights herein granted shall be coupled with the following conditions:

That all navigable channels constructed by said company shall forever remain open and free to all vessels without fee or charge; the tolls and charges for the use of docks and wharves constructed on any portion of said land, shall be equal, just, and uniform, to all vessels, persons, and corporations, without discrimination as to amount charged or delay in handling the same, and all such tolls and charges shall be under the control of the Legislature of the State of Texas; and, until otherwise directed by the Legislature, shall be subject to control and regulation by the Railroad Commission of Texas under the rules prescribed for the regulation of railroads, so far as applicable, and any railroad or other means of transportation which may be constructed between the mainland and said wharves and docks or deep water channels, shall be a public highway, and all rates and charges for the transportation of freights and passengers thereon shall be subject to the control and regulation of the Railroad Commission as a railroad: such railroad or other means of transportation shall receive from each and every ship, boat, and vessel, or from the wharf on which the same is discharged, all freights and passengers, and transfer and deliver them to the consignee or any connecting line of railroad without discrimination as to charge or delay in transportation and delivery, and shall in like manner receive from every person and from every connecting line of railroad all freights and passengers and transport and deliver the same to each and every ship, boat, vessel, person, or corporation, for delivery to such ship, boat, or vessel, on like equal and just terms without discrimination as to charges and delay in transportation or delivery thereof.

SEC. 6. The privileges and rights granted under this act shall not be exercised so as to hinder or interfere with the completion of any terminal or suburban railroad hertofore chartered, so far as any rights which it now has under said charter to build to and upon Harbor Island, nor to hinder or interfere with any such terminal or suburban railroad which now has the right under its charter to acquire and control depot grounds, wharf grounds, and deep water fronts.

SEC. 7. The great importance of continuing the work for deep water at Aransas Pass, and the necessity of securing it at the earliest possible day, and the fact of the vast amount of business before this session of the

Legislature, and the length of the session being limited, creates an imperative necessity and an emergency which demands that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

That all laws in conflict with any of the provisions of this act be and the same are hereby repealed.

[NOTE.—The foregoing act passed the Senate; and passed the House with amendments. The Senate refusing to concur, the bill was referred to a Free Conference Committee, and the report of said committee was adopted by both houses.

Vote on passage of bill, and on adoption of report of Free Conference Committee, not given, in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A.D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 577.]

CHAPTER 65.

An act to create a more efficient road system for Montague, Red River, and Wichita Counties, in the State of Texas, and making County Commissioners of said counties *ex officio* road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the Commissioners Courts of said counties, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the Commissioners' Courts of Montague, Red River, and Wichita Counties shall be *ex officio* road commissioners of their respective districts, and under the direction of the Commissioners' Court shall have charge of all the teams, tools, and machinery belonging to the county, and placed in their hands by said courts; and it shall be their duty, under such rules and regulations as the Commissioners' Court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of their office, execute a bond of one thousand dollars (\$1000) with two or more good and sufficient sureties, payable to the County Judge of said counties, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the Commissioners' Court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of a Commissioners' Court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to

the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

SEC. 2. The Commissioners' Courts of said counties shall have full power and authority, and it shall be their duty, to adopt such system for working, laying out, draining, and repairing the public roads in such counties as they may deem best, and from time to time said courts may change their plans or system of working. Said Commissioners' Courts shall have power to purchase such teams, tools, and machinery as may be necessary for the working of their roads. Said courts shall have the power to construct, grade, or otherwise improve any road or bridge by contract. In such case, said courts or the county judges may advertise in such manner as said courts may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judges of said counties, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said courts and in such sum as said courts may determine, for the faithful compliance with the terms of said contract, but said courts shall have the right to reject any and all bids. At the time of making any such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said courts; and the said courts shall have authority to employ any hands or teams to work on the roads under such regulations and for such price as they may deem best.

SEC. 3. The Commissioners' Courts of said counties shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine, first, and then on the cost, for each day he may labor. The Commissioners' Court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convicts, as it may deem best; provided, that it shall not allow to any officer any amount greater than the following: county judge, \$3; county attorney, \$5, including commissions; county clerks and justices of the peace, \$1.70; sheriffs or constables, \$2.00, which amount shall be paid to the officer out of the road and bridge fund, on the warrant of the county judge, when said fine and costs shall have been worked out as provided in this section; provided, that this shall not be so construed as to relieve any convict from the payment of all costs for which he will be liable under the general laws of this State. The Commissioners' Court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time. The Commissioners' Court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, and guards, for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools, and machinery necessary in working the roads in the district of said overseer,

so far as he has been supplied therewith by the Commissioners' Court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been intrusted with any team, tools, or machinery belonging to said county, shall be liable to all damages that may occur to the same while in his possession. It shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioner all teams, tools, and machinery received from him, and to take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done on said roads, and shall direct the manner of grading, draining, or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the term of service as prescribed by the general laws shall be extended beyond that time; and provided, that all road hands in a particular district shall as far as practicable be worked a uniform time. Each road overseer shall have full control of all road hands in his road district, and he shall see that each hand, when called out, shall perform a good day's work; and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The Commissioners' Court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and one half per day for the time so served.

SEC. 7. Any citizen of Montague, Red River, or Wichita Counties, liable for road duty, who shall, on or before the first day of January of any year, pay to the County Treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each road district from which it is received. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sums as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the county commissioners' court can not agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same right shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 9. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law or by the Commissioners' Court, shall be entitled to two dollars per day for the services actually performed; provided, he shall not receive more than forty-five dollars per quarter, when the road and bridge tax has not been levied according to law, under the amendment of 1889, as adopted in 1890, to the Constitution of the State of Texas, and when said tax shall have been levied he may receive an amount not to exceed ninety dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the Commissioners' Court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due, and unpaid, and specifying the number of days [work] actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 10. This act shall be cumulative of all general laws on this subject, and be taken notice of by all courts in the same manner as the general laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict this act shall control as to Montague, Red River, and Wichita Counties, and all laws conflicting herewith are hereby repealed.

SEC. 11. The fact that there is now no sufficient general road law in force in this State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 95, nays 6; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 432.]

CHAPTER 66.

An act to restore and confer upon the County Court of Jefferson County the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the County Court of Jefferson County shall hereafter have exclusive original jurisdiction in civil cases wherein the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the District Court of said county, when the amount in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

SEC. 2. Said County Court shall have appellate jurisdiction in civil cases over which Justices' Courts have original jurisdiction, when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of interest, and said County Court shall have power to hear and determine cases brought up from Justices' Courts by certiorari, under the provisions of the title of the Revised Civil Statutes of 1895 relating thereto.

SEC. 3. The County Judge of said county shall have authority either in term time or in vacation, to grant writs of injunction, sequestration, mandamus, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the District Court or judge thereof.

SEC. 4. That said court shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons; and to apprentice minors as provided by general law, and to issue all writs necessary for the enforcement of its jurisdiction, orders, and decrees.

SEC. 5. Said County Court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which said court has original or appellate jurisdiction.

SEC. 6. Said County Court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except misdemeanors in which the highest penalty that may be imposed by the law is a fine without imprisonment that does not exceed two hundred dollars; and said court shall have appellate jurisdiction with trial de novo in criminal cases in which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 7. The District Court of said county shall no longer have juris-

diction of misdemeanors, except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases of which the County Court of said county by provisions of this act have original or appellate jurisdiction.

SEC. 8. It shall be the duty of the District Clerk of said county, within thirty days after this act shall take effect, to make full and complete transcripts of orders on the criminal and civil dockets then pending before the District Court of said county, of which cases by the provisions of this act original and appellate jurisdiction is given to the said County Court, and to deliver said transcripts, together with the original papers in each case, to the county clerk of said county, and the said county clerk shall file the same and enter said cases on the respective dockets for trial by said court.

SEC. 9. The said County Court shall also have the power to hear and determine all motions against sheriffs and other officers of the court, for failure to pay over moneys collected under the process of said court, or other defalcations of duty in connection with such process, and shall have power to punish by fine not exceeding one hundred dollars and by imprisonment in the county jail not exceeding three days, any person guilty of contempt of said court, and all other powers and jurisdiction conferred on county courts by the Constitution and general laws of this State.

SEC. 10. The terms of said court shall commence on the first Monday in February and on the first Monday in May and on the first Monday in August and on the first Monday in November of each year, and shall continue in session for each term until the business may be disposed of: Provided, that the County Commissioners Court of said county may hereafter change the terms of said court whenever it may be deemed necessary.

SEC. 11. All laws and parts of laws in conflict with this act be, and the same are hereby expressly repealed in so far as they relate to Jefferson County.

SEC. 12. The approaching close of this session of the Legislature, the crowded condition of the calendar of each house, and the importance of the passage of this measure to the people of Jefferson County, alike create an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect from and after its passage, and it is so enacted

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 92, nays none; and passed the Senate by a two-thirds vote, yeas 28, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 75.]

CHAPTER 67.

An act to amend Article 881 of the Penal Code of the State of Texas, relating to theft of horses, asses, and mules, so as to fix the punishment therefor at confinement in the penitentiary for not less than two nor more than ten years.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 881 of the Penal Code of the State of Texas be amended so as hereafter to read as follows:

Article 881. If any person shall steal any horse, ass, or mule, he shall be punished by confinement in the penitentiary not less than two nor more than ten years.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A.D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 15.]

CHAPTER 68.

An act to amend Article 822, Chapter four, of Title 17 of the Penal Code of Texas, relative to inspection of sheep.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 822, Chapter 4, of Title 17 of the Penal Code of Texas, shall hereafter read as follows: The counties of Grayson, Freestone, Gonzales, Morris, Titus, Cass, Marion, Bowie, Red River, Trinity, San Jacinto, Polk, Anderson, Van Zandt, Cameron, Collin, Colorado, Grimes, Houston, Webb, Encinal, Hunt, Hopkins, Ellis, Dallas, Rockwall, Denton, Fannin, Henderson, Brazos, Smith, Panola, Gregg, Lamar, Wood, Rains, Limestone, Cooke, Brown, Comanche, Cherokee, Mills, Montgomery, Shelby, Lee, Burleson, Rusk, Lavaca, Milam, Wise, Upshur, Robertson, Camp, Parker, Franklin, Navarro, Karnes, Wilson, Atascosa, Harrison, San Augustine, Sabine, Fayette, Austin, Leon, Madison, Hill, Bosque, Waller, Fort Bend, Washington, Guadalupe, Caldwell, Hays, Tarrant, Johnston, Clay, Montague, Erath, Hood, Somervell, Bastrop, Harris, Orange, Jefferson, Hardin, Liberty, Chambers, Newton, Tyler, Jasper, Kaufman, Nacogdoches, De Witt, Victoria, Jackson, Calhoun, Refugio, Goliad, Aransas, Matagorda, Brazoria, Walker, Tom Green, Irion, Sterling, Crockett, Sutton, Edwards, Schleicher, Menard, Kimble, Runnels, and Coke, are exempted from the provisions of Articles 813 to 821 inclusive, of this chapter.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A.D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitu-

tion, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 60.]

CHAPTER 69.

An act to amend Article 1180, Title XXX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sunday.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1180, of the Revised Civil Statutes of the State of Texas, as described in the caption of this act, be amended so as hereafter to read as follows:

Article 1180. No civil suit shall be commenced, nor shall any process be issued or served on Sunday or on any legal holiday, except in cases of injunction, attachment, garnishment, sequestration, or distress proceeding.

Approved, April 8, 1897.

Takes effect 90 days after adjournment.

H. B. No. 140.]

CHAPTER 70.

An act to amend Article 4744, Title XCVII, Chapter 4, of the Revised Civil Statutes of Texas, 1895, relating to powers and duties of overseers of public roads.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4744 be amended so as to read as follows:

When to the overseers it may appear expedient to make causeways and build bridges, or to gravel any public road, the timber, gravel, earth, stone, or other necessary material, most convenient therefor, may be used, but in such case the owner of such timber, or gravel, earth, stone, or other necessary material, shall be paid out of the county treasury a fair compensation for the same, to be determined by the Commissioners Court upon the application of such owner.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 389.]

CHAPTER 71.

An act to amend subdivision thirty two, of Article 22, Title IV, of the Revised Civil Statutes of Texas, fixing the time for holding the District Court in the 32nd Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 32 of Article 22, Title IV of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

32. The Thirty-second Judicial District shall be composed of the counties of Nolan, Mitchell, Howard, Martin, Midland, Borden, Glasscock, Ector, and the unorganized counties of Andrews, Gaines, Dawson, Terry, Yoakum, Crane, Upton, Garza, and Lynn, and the terms of the District Court therein shall be held each year as follows:

In the County of Midland, on the first Mondays in February and September in each year, and may continue in session two weeks.

In the County of Martin, on the third Mondays in February and September in each year, and may continue in session two weeks.

In the County of Howard, on the fourth Monday after the first Mondays in February and September of each year, and may continue in session two weeks.

In the County of Nolan on the ninth Mondays after the first Mondays in February and September, and may continue in session four weeks.

In the County of Mitchell, on the fifteenth Mondays after the first Mondays in February and September in each year, and may continue in session until all business is disposed of.

In the county of Ector, on the thirteenth Mondays after the first Mondays in February and September in each year, and may continue in session two weeks.

In the County of Borden, on the seventh Mondays after the first Mondays in February and September in each year, and may continue in session two weeks.

In the County of Glasscock, on the sixth Mondays after the first Mondays in February and September in each year, and may continue in session one week.

The unorganized counties of Gaines, Terry, Yoakum, and Andrews, are hereby attached to the County of Martin for judicial purposes.

The unorganized county of Dawson is hereby attached to the county of Howard for judicial purposes.

The unorganized counties of Crane and Upton are hereby attached to the county of Midland for judicial purposes.

The unorganized county of Garza is hereby attached to the county of Borden for judicial purposes.

Sec. 2. The fact that the time for holding the Spring term of the District Court of Nolan County is approaching, the crowded condition of the dockets of said court, and the fact that the amendment herein offered in no way affects the time heretofore provided by law for holding said court in the several counties composing said 32nd Judicial District, creates an emergency and an imperative public necessity requiring the constitutional rule that bills shall be read on three several days, be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—Received the necessary two-thirds vote in both Houses, and takes effect from its passage.]

H. B. No. 613.]

CHAPTER 72.

An act to set apart for free school purposes four leagues of land heretofore granted to the territory known as Greer County, and to authorize the Attorney General to institute proceedings for the recovery of said land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the four leagues of land heretofore patented to what is known as the territory of Greer County for free school purposes, under the provisions of an act entitled, "An act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed for the benefit of the unorganized counties of the State, and such organized counties as may have located their four leagues of school land, or any part thereof in conflict with valid prior locations or surveys, or which from any cause fail to get title to the four leagues of land they are entitled to under the law," approved April 7th, 1883, be and the same is hereby set apart and appropriated for the support and maintenance of the Public Free Schools of this State.

SEC. 2. That the Attorney General of the State of Texas is hereby authorized to institute such proceedings as he deems necessary to recover said land against all adverse claims.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 4. The near approach of the close of the present session, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, April 13, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 97, nays none; and passed the Senate by a two-thirds vote, yeas 24, nays none.]

H. B. No. 443.]

CHAPTER 73.

An act to create a more efficient road system for Hopkins County, Texas, and making the County Commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers and witness fees, and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both, in the discretion of the Commissioners' Court, and making provisions of act applicable, as far as practicable, to convicts when worked on county farm, and to provide for the manner of training hedges along public roads, and to provide for the summoning of teams for road work, and for an allowance of time for road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Hopkins County, and providing for the working of delinquent poll-tax payers, and prescribing a penalty for failure to work public roads in payment of poll-tax by said delinquent poll-tax payers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Hopkins county shall be ex officio road commissioners of their respective districts, and under the direction of the commissioners' court shall have charge of all the teams, tools, and machinery belonging to the county, and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners' court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute same bond that is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for same service; provided, that county commissioners shall not be allowed any compensation when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining, and repairing the public roads in said county as it may deem best, and from time to time said court may change its plans or system of working. Said commissioners' court shall have full power to purchase such teams, tools, and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade, or otherwise improve any road or bridge by contract. In such case said court, or county judge of said county, may advertise in such manner as said court may determine for bids to do such work, and the

contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine first, and then on the cost, for each day he may labor. The commissioners' court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work; and may provide a reward not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person, other than the guard or person in charge of such convict at the time of his escape. The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior, in no case to exceed one-tenth of the time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, and medical attention, and guards for the safe and humane keeping of convicts. The commissioners' court may at a regular meeting allow to the officers and witnesses such amount of their cost for the arrest and conviction of said convict, as now provided by law, which amount shall be paid out of the road and bridge fund, upon the order of said court, when said fine and costs have been worked out, as provided in this section; provided, that this act shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State. Nothing in this section shall be construed so as to deprive the commissioners' court of the right to have convicts to work a part of all of their time on the county convict farm; but authority is herein expressly given to said court to require convicts to labor, in payment of fine and cost, either upon the county convict farm, or upon the public roads, or partly upon both, as to the said court it may seem best, and the provisions of this section shall apply, as far as practicable, in all cases where convicts labor upon the county convict farm.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them, so far as he has been supplied by the commissioners' court, all teams, tools, and machinery necessary in working the roads in the district of said overseer, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liabilities of the overseer; and any commissioner or over-

seer who shall have been entrusted with any teams, tools or machinery belonging to said county, shall be liable for any damage that may occur to the same while in his possession caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court. It shall be the duty of the road overseer when he has finished work on his road to return to said commissioners all teams, tools, and machinery received from them by him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers of his district.

SEC. 6. The commissioners may require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time; provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work; and if any hand, when so called out, shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners' court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Any citizen of Hopkins county who is subject to road duty, who shall, on or before the first day of January of any year, pay to the county treasurer of said county, the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, to be used in the road precinct to which the hand making such payment belongs. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish the commissioners' court with a list of all parties who have paid said sums as provided in this section, and said court shall immediately have overseers in districts wherein said sums have been paid notified of the payment of the same, and by whom paid.

SEC. 8. Every person liable to work on the public roads in Hopkins county, who shall pay to his road overseer at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on the road shall take with him an axe, hoe, pick, spade, shovel, plow, scraper or such other tools as may be desired and directed by the overseer, or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such

other suitable tools as he may have; provided, the county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days time for each day put in by a hand and his team, and one and one-half days for his team without such hand.

SEC. 10. If any person liable to work the public road, after being legally summoned, shall intentionally fail or refuse to attend either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the regular term of the commissioners' court of each year all road overseers shall make their report under oath, upon the forms to be furnished them by the said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had and expended by him, shall be audited and settled; and as soon thereafter as practicable said commissioners' court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners' court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road or any part thereof, if the owner of said land cannot agree with the court as to damages to be paid, the court may proceed to condemn the same, in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had and the same right shall exist to each party that would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Each county commissioner, when acting as road commissioner, shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than ninety dollars per quarter; said per diem to be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due, and unpaid; and said account shall specify the number of days work actually performed by him, and that it was necessary to be done under the circumstances; and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while performing the duties of county commissioner, nor shall he receive any additional pay than that provided

by this section for inspecting or riding over his road, or for other road service.

SEC. 14. Every owner of a farm or other lands upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road; and any such owners who shall fail or neglect to trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required, and in such case that such owner shall after receiving such notice, fail or refuse to trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time that he received such notice, such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 15. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade, or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners' court.

SEC. 16. This act shall be taken notice of by all courts in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict, this act shall control as to the county of Hopkins.

SEC. 17. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 94, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the thirty-first day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 387.]

CHAPTER 74.

An act to restore to and confer upon the County Court of Orange County the criminal jurisdiction heretofore belonging to it under the constitution and general statutes of the State of Texas, to conform the jurisdiction of the District Court to such change, and to repeal all laws in conflict with the provisions of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the County Court of Orange County shall hereafter have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law, may not exceed two hundred dollars; and shall also have appellate jurisdiction in criminal cases of which justices of the peace, and other inferior tribunals of said county, have original jurisdiction.

SEC. 2. Said County Court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in all criminal cases, of which criminal cases said court has jurisdiction.

SEC. 3. The County Judge of said county shall have authority, either in term time or vacation, to issue all writs necessary to the enforcement to [of] the jurisdiction of said court, and to issue writs of habeas corpus in all cases in which the Constitution has not conferred power on the District Court or judge thereof.

SEC. 4. The District Court of said Orange County shall no longer have jurisdiction of which the County Court of Orange County, by the provisions of this act, has exclusive original or appellate jurisdiction; and it shall be the duty of the District Clerk of said county, within thirty days after the passage of this act, to make a full and complete transcript of all orders on the dockets in cases now pending before the District Court, of which cases, by the terms of this act, exclusive original or appellate jurisdiction is given to the County Court, and said District and County Clerk shall enter said orders on the proper dockets of said County Court and docket the cases for trial by said County Court.

SEC. 5. The County Court of said county shall hereafter hold its regular term for criminal business as provided in the Constitution and general laws of the State of Texas for civil and criminal terms of the county courts, and all process heretofore issued from the District Court of said county in cases to be transferred under this act to the County Court shall be returnable to the first term of the said County Court thereafter.

SEC. 6. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. The crowded condition of the docket of the District Court of Orange County creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 90, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the thirty-first day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 288.]

CHAPTER 75.

An act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the Texas, Louisiana & Eastern railroad, and to operate the same under the the charter of the Gulf, Colorado & Santa Fe Railway Company, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter, under the general laws of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to purchase the Texas, Louisiana & Eastern railroad, extending from Conroe, in Montgomery County, Texas, to a point on the Trinity river, in Liberty county, Texas, in the John Cherry survey; the same now being constructed and in operation to a point about seven miles from the Trinity river and about thirty-one miles from Conroe; together with all the property, real, personal, and mixed, incident or pertaining to the said railroad; and the owner or owners of the said Texas, Louisiana & Eastern railroad, and of such property incident or pertaining thereto, are authorized and empowered to sell, transfer and convey the same to the Gulf, Colorado & Santa Fe Railway Company; and when the said property is purchased by the said Gulf, Colorado & Santa Fe Railway Company, it, the said Gulf, Colorado & Santa Fe Railway Company, shall, and it is hereby authorized to, own and operate the same under its charter as a part of its own line, and shall have the right, by amendment of its charter under the general laws of the State, to extend and construct branches of the said road or the extension thereof.

SEC. 2. The said Gulf, Colorado & Santa Fe Railway Company shall not pay more for the said property than the valuation fixed on the same by the Railroad Commission of Texas; and if the said Gulf, Colorado & Santa Fe Railway Company shall issue any stock or bonds to make payment for the same, the said stock and bonds shall not be so used at less than their par value; and all stock and bonds to be issued by the Gulf, Colorado & Santa Fe Railway Company in payment for or on the said property, or on any extension or branch thereof, or on any branch of such extension, shall be issued subject to and under the provisions of chapter 14 of title XCIV of the Revised Civil Statutes of the State of Texas, which regulates the issuance of stock and bonds.

SEC. 3. The fact that the public interest will be promoted by the purchase of the said property by the Gulf, Colorado & Santa Fe Railway Company, and the extension thereof, and the great number of bills now pending before the legislature, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and

that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 1; and passed the House by a two-thirds vote, yeas 94, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the thirty-first day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 291.]

CHAPTER 76.

An act to amend Subdivision 15 of Article 22 of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the District Court in the Fifteenth Judicial District of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Subdivision 15, of Article 22, of the Revised Statutes of the State of Texas, passed by the Twenty-fourth Legislature in the year 1895, be and the same is hereby amended so that hereafter it shall provide as follows:

15. The Fifteenth Judicial District of the State of Texas, shall be composed of the County of Grayson, and the District Courts shall be held therein as follows:

A term beginning on the third Monday in September of each year, and may continue in session until, and including, the last Saturday in December.

A term beginning on the first Monday in January of each year, and may continue until, and including, the last Saturday in March of each year; provided, there shall be no grand juries elected and impanelled for said January terms of court.

A term beginning on the first Monday in April of each year, and may continue until the business is disposed of.

SEC. 2. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature, and the inconvenient time for the holding of the Fall term of the District Court in said Grayson County, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in both houses, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and passed the House (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the thirty-first day of March, A. D. 1897,

but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 351.]

CHAPTER 77.

An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the commissioners' court of any county in this State, at any regular or called session thereof, may, in the manner hereinafter provided, and shall have power, whenever the same shall be conducive to the public health, convenience, or welfare, or where and whenever the same will be of public benefit or utility, to cause to be straightened, widened, altered, deepened, any creek, bayou, or other stream or water course, and shall cause to be constructed and maintained, as hereinafter provided, any ditch, drain, or water course within any of the said counties, and shall have power to make the said improvement, if necessary, by removing from any adjacent lands or any stream or water course, any timber, bush, tree, or other substance liable to or causing the obstruction thereof, and shall also have power to construct in connection with any such ditch or drain, any side, lateral, spur, or branch ditch or water course necessary to the accomplishment of this act; provided, however, that no ditch, drain, outlet, or water course shall be deepened, widened, constructed, or maintained without a sufficient outlet being provided for all water that may collect therein; provided, further, that the word "ditch," in this act, hereafter shall be construed to embrace any ditch, drain, or water course that may be constructed under the provisions of this act.

SEC. 2. That before the commissioners' court of such county shall establish any ditch, drain, or water course, there shall be filed with the clerk of the county court of said county, a petition signed by at least five persons who are land owners and whose land will be liable to be affected by or assessed for the expense of the construction of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route, and terminus of the said ditch; and said petitioners shall give a bond, not to exceed one hundred dollars, with good and sufficient sureties, payable to the said county, to be approved by the clerk of the said court, conditioned to pay all expenses in case the commissioners' court shall fail to establish said proposed ditch, drain, or water course. As soon as said petition is filed said court shall, if in regular session, or at their next regular session, appoint a jury of three freeholders and householders of the county, not interested in the construction of the proposed work, and not of kin to any of the parties interested therein, who shall constitute a jury of viewers, who shall meet at a time and place specified by the said court in the order of making said appointment preparatory to commencing their duties as hereinafter specified, and it shall be the duty of the said clerk of the said county court thereupon to issue

to the said viewers a certified copy of the petition and order of said court, who shall proceed at the time set in said order, with a surveyor who shall be a civil engineer and surveyor, to make an accurate survey of the line of said ditch, drain, or water course, from its source to its outlet; and they shall cause stakes or monuments to be set along said line at intervals of one hundred feet, together with such intermediate stakes as may be necessary, and numbered progressively at each one hundred feet; and they shall establish permanent bench marks along said line, at intervals of one mile or less, as may be necessary; and they shall prepare a map showing the location of said ditch, drain, or water course, together with the position of stakes or monuments, with numbers corresponding with those on the ground, and the position of bench marks, with their elevation referred to on assumed or previously determined datum. The map should also show the lines and boundaries of adjacent property, and the position of county roads and railroads which may be affected by said ditch or drain, and such information should be obtained as will lead to the determination of the benefits or damages which will accrue from the construction of the same; and they shall prepare a profile of the line of said ditch, drain, or water course, which shall show the assumed datum and the grade line of the bottom of the same, and the elevation of each stake or monument and other important features along the line, such as top of bank and bottom of all ditches or water course and surface of water, top of rail and bottom of tie, foot of embankment, bottom of burrow pits, of all railroads, and center of road and bottom and top of ditches of highways. And they shall, in tabular form, give the depth of cut, width at bottom, and width at top at the source, outlet, and at each one hundred feet stake or monument of said ditch, drain, or water course; and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain, or water course, and an estimate of the total cost of construction of the whole work, and they shall prepare specifications in detail for the execution of the same; and they shall have power when they find it necessary, to provide for running said ditch under ground through drain tiles or other materials as they may deem best, by specifying size of tile or other kind of material to be used in such underground work, and shall include the cost of same in the estimate of the total cost of the work; and they shall set apart and apportion to each parcel of land and to each corporation, road or railroad, and to the county when public highways are benefited, a share of said work in proportion to the benefits which will result to each from such improvement and the cost of the construction of each share or allotment separately. And they shall describe each parcel of land to be assessed in the construction of said ditch, giving the number of acres in each tract assessed and an estimate of the number of acres benefited, the amount that each tract will be benefited by the construction of said work, and the amount of each tract as assessed therefor; and they shall also ascertain and give the names of the owners of the lands that are assessed in the construction of said ditch, drain, or water course, as far as they may be able to ascertain by reasonable inquiry and search of the public records, and report whether or not the proposed ditch or drain will be of public utility; and they shall submit with their report a copy of the map and profile of the line of said ditch, drain, or water course, and a copy of the specifications

for the construction of the same, which, together with the report, shall become a public record, and shall be placed in the custody of the county clerk, to be presented [preserved] as such.

SEC. 3. Whenever a public ditch, drain, or water course is located wholly or in part of the bed of a private ditch, already or partially constructed, the viewers shall make an estimate of the number of cubic yards of earth already excavated, and the cost of the same on each tract of land, and deduct the same from the assessment thereon.

SEC. 4. All lands benefited by public ditch, drain, or water course shall be assessed in proportion to the benefit to the said lands by the construction thereof, whether it passed through said lands or not; and the reviewers in estimating the benefit to lands in controversy by said ditch, shall not consider what benefit such lands will receive after some other ditch or ditches shall be constructed, but only the benefits that may be received by reason of the construction of the public ditch as it affords an outlet for the drainage of such lands; and in the making of the said assessment should the viewers find that the construction of said ditch or drain would, to any extent, construct or constitute a public road of utility to the county in that section, or be a material benefit in the drainage of any public road then constructed, they will assess as against the county such sum as will represent the benefit so accruing to the public; provided, that all assessments for benefits accruing to counties or county roads, shall be approved by the commissioners' courts of such counties.

SEC. 5. The said jury of viewers, as provided for in this act, shall issue a notice in writing to the land owner through whose lands such proposed ditch or drain may run, or to his or their agent or attorney, of the time when they shall proceed to lay out such ditch, or when they will assess the damage incidental to the construction of same, which notice shall be served upon such owner, his agent or attorney, at least five days before the day named therein; if such owner is a non-resident of the county, the notice shall be given by publication in a newspaper published in the county as notices are required to be given to non-resident defendants as to actions in the district or county court, and such ditch or drain may be constructed four weeks after such publication, the cost of publishing the same to be paid as directed by the commissioners' court.

SEC. 6. That all persons whose land may be affected by such ditch, drain, or water course, shall have the right to appear before said viewers and freely express their opinions on all matters pertaining thereto, and the owner of any such lands may, at the time stated in said notice, or previously thereto, present to the jury a statement in writing of any objections or dissatisfaction therewith, and any claim for damages which he may have by reason of the making of the said ditch or drain; and a failure to make such claim in writing, as herein specified, for damages or compensation, shall be deemed and held a waiver for all right thereto, all of which said claim or objection shall be returned to the commissioners' court, in connection with the report of the said viewers.

SEC. 7. The commissioners' court at the time set for the hearing of said petition shall hear and determine the same in connection with all remonstrances or objections thereto, and if they find that the said viewers' report is made in accordance with the provisions of this act, and it be in

favor of the proposed work, and if they find the proposed ditch or drain to be of public utility, or conducive to public health, or of public benefit or convenience, they shall enter an order on the minutes establishing the same, as specified in the said report, and order the same to be constructed according to the said report, and shall then or thereafter take such further action and make such other and further orders and decrees in the premises as may be proper or necessary to secure the execution of said work. But should said viewers report adversely to the said work, the board shall dismiss the petition and tax the costs as against the said petitioners.

SEC. 8. The said viewers, before proceeding to act as such, shall take the following oath, before any officer authorized to administer oaths, to-wit: "I do solemnly swear that I will lay out the ditch or drain now directed to be laid out by the order to us directed in the commissioners' court, according to law, without favor or affection, malice or hatred, to the best of my ability, skill, and knowledge, so help me God."

SEC. 9. Any person or corporation aggrieved thereby may appeal from the final order of the commissioners' court made in said proceedings and entered upon their record to the county court of that county within ten days thereafter, by filing within ten days thereafter a transcript of said proceedings in said county court, and also filing within the said ten days, with the clerk of the said court, an appeal bond, with at least two good sureties, to be approved by the said county clerk, conditioned that he will prosecute such appeal to effect and pay all costs that may be adjudged against him in said court; and the said appeal shall be heard and determined upon the following issues, to-wit:

1. Whether said ditch shall be conducive to the public health, convenience, or welfare.

2. Whether the route thereof is practicable.

3. Whether the assessments made for the construction of such ditch are in proportion to the benefits to be derived therefrom.

4. The amount of damages, if any, to be allowed to any person or persons, or corporation; and if more than one person appeal, the judge of the said court shall order the said cases to be consolidated and tried together, and the rights of each party shall be separately determined by the said court and jury, if any, in its verdict and final determination, and the cause so appealed and conducted in said county court shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil cases in said court. Either party to such action may appeal to such appellate court as has jurisdiction of said cause, and said action shall be returnable at once to said appellate court at either of its terms, and said action so filed shall have precedence in said appellate court of all cases of a different character therein pending.

SEC. 10. In the trial of all cases so appealed from the order of the commissioners' court the burden of proof shall rest upon the complainant.

SEC. 11. Every person or corporation through whose lands any public ditch is constructed shall be required to keep the same open, free and clear from all obstructions upon his or its premises, by him or it placed therein, and in case of failure to do so, shall be liable to pay all reasonable and necessary expenses of removing such obstructions.

SEC. 12. Whenever the route of the proposed ditch, drain, or water course extends into two or more counties, then a petition shall be signed

by at least five freeholders, one or more of whom are land owners in the county other than that of the filing of the petition, and whose lands will be liable to be assessed for the construction of such ditch, and file the same with the clerk of the commissioners' court, the said petition to be filed in the county containing the head or source of the proposed ditch, at least ten days before any regular meeting of the commissioners' court of that county, and thereupon the clerk of such court shall transmit to the clerk of the court of such other county or counties interested therein, a certified copy of such petition; and it shall be the duty of the commissioners' court of each county interested in the proposed work, at their first regular session after such petition is filed, to appoint three disinterested free holders and house holders of their respective counties as viewers, in like manner as is provided for the appointment of viewers on a ditch in but one county, to meet and act jointly at such time and place as the board of commissioners of the county where the petition is filed may designate, and such joint viewers shall have the same power and perform the same duties as is provided in this act for the viewers on a ditch in one county; and they shall file a report of their proceedings with the clerk of each of said counties so interested at least two weeks before the next regular session of the board of commissioners, whereupon the clerk of each county shall give notice in the manner provided for as to ditches in one county, and the time for the hearing thereof shall be set by the respective courts of each county; provided, further, that in an action of a joint board of viewers the approval and report of a majority of the whole board shall be necessary to constitute a valid report of said board.

SEC. 13. The joint board of viewers, as herein provided for of the counties interested in said joint ditch, shall proceed to establish the same in the manner specified in ditches in but one county, and all matters pertaining to such joint ditch, the board of commissioners shall act in the same manner, so far as is practicable, as is required by this act for ditches in but one county, and they shall act jointly, and the same shall be determined by the respective orders of the said respective commissioners' courts, and such further proceedings had thereon, as herein provided for in but one county.

SEC. 14. When any ditch established under this act drains either in whole or in part any public road or railroad, or benefits any such road or railroad, so that the roadbed or travel or track of any such road will be made better by the construction of any such ditch, then the jury of viewers shall apportion to any such county, if the same be a public road, or to such railroad, if the same be a railroad, such portion of the costs and expenses thereof as herein provided for to private individuals.

SEC. 15. If any person shall willfully obstruct any public ditch, or shall willfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five nor more than five hundred dollars, and shall also be liable for any and all damages accruing to any person or persons or corporation or county for any such act.

SEC. 16. That in all reports made by any jury of viewers, the same shall be sufficient if signed by a majority of said viewers.

SEC. 17. The said jury of viewers shall each receive the sum of \$3.00

per day as compensation for said work for each day so actually engaged. The said surveyor and engineer shall receive such compensation as shall be fixed by the commissioners' court.

SEC. 18. That when any drain or ditch shall have been established by order of the commissioners' court, under this act, all assessments, sums, and charges by the said viewers under the order of the said court assessed against any land, or lands, chargeable for this drain or ditch, shall be a lien thereon, and a separate roll of the said assessments made of the lands assessed for each ditch, shall be made by the State and county collector for the said county; and the same shall at all times be open to the inspection of the public, and the assessments and taxes for each particular drain shall be a lien upon each particular tract of land connected therewith, and the same shall be collected by the tax collector of each county, under the provisions of the general laws for the collection of taxes for the State of Texas. That the funds arising from the assessment of each drain or ditch, shall be a special fund for the construction of said drain or ditch, and by order of the commissioners' court, set apart for the same, and placed in the county treasury as such special fund, for such purpose, to be paid to the contractor or contractors, upon the order of the commissioners' court as hereinafter provided. That any damages, if any, that the said jury of viewers or commissioners' court shall assess in favor of any individual or corporation, shall be paid out of the county treasury upon the order of the said court; and any sums assessed against any county, on account of any public drain, shall be paid by the said county, under an order of the commissioners' court.

SEC. 19. That the engineer employed by the said county to superintend the construction of the said drains and ditches, shall, upon the completion of each and every two hundred feet of any ditch, give to the contractor or contractors his certificate as such engineer, the said certificate showing the amount of work done and an estimate of the amount due for the construction of the same, less ten per cent thereof, which said certificate shall be delivered to the said contractor as an evidence of the amount of work constructed, and of the amount due therefor.

SEC. 20. That when the commissioners' court of any county shall have, by proper order, established any drain or ditch, the construction of the same shall be let by the said commissioners' court to the lowest responsible bidder, after suitable advertising, as a whole, or in such sections or subdivisions as the board may deem most advantageous. Such work to be done under the direction and supervision of the said engineer, who shall report the same to the commissioners' court for their final action. That the said contractor or contractors shall be required to give a good and sufficient bond, with two or more good and sufficient sureties to be approved by the said commissioners' court in an amount to be fixed by the said court, as in their judgment may be best for the faithful construction of the said work. Provided, however, that any persons through whose lands the proposed work shall pass, upon application to the commissioners' court, before the contract is let, shall be entitled to do so much of the proposed work as is upon, or passes through his lands. Provided, such application shall be made twenty days before the advertisement for the said contract; and provided he shall undertake to do such work upon equally favorable terms with those offered by any one

else. And provided, further, that he shall execute such a bond as required by the said contractor. And if such person should fail to construct such work as hereinbefore provided by the said contractor, within the time required by the commissioners' court, then all right to construct the same shall be forfeited and cease and determine; and the commissioners' court shall let the construction of the same as in this act provided.

SEC. 21. The commissioners' court shall pay the said contractor or contractors, or persons constructing the said drain, out of any funds in the county treasury not otherwise appropriated, and belonging to the road and bridge fund of the said county, upon the report of the said engineer, by said court approved, from time to time as the said contract progresses, and according to such terms as they may agree upon with such contractor. The said money so drawn from the road and bridge fund of the said county, to be returned from the assessment collected upon the said drain when the same shall be put into the county treasury. Said reimbursement to be made to the said fund by order of the commissioners' court.

SEC. 22. That all liens, remedies, and modes of procedure by the laws of the State of Texas, now provided for the collection of ad valorem taxes and taxes upon real estate, shall obtain and be in force and apply for the collection for the assessments herein provided, for the construction of the said drains.

SEC. 23. Corporations may be formed and chartered under the provisions of this act, and under the general corporation laws of the State of Texas, for the purpose of constructing, maintaining, and operating canals, drains, and ditches outside of the corporate limits of cities and towns in any county in the State of Texas; and such corporation shall have full power and authority to make contracts for permanent drainage of any tract of land, and the charges therefor; and the rights therein shall be secured by a lien herein expressly given upon the lands benefited by the said drain or canal. All drains and canals so constructed by such corporation to be reported to the commissioners' court of the said county and approved by the same.

SEC. 24. Any corporation so organized under the provisions of the general laws of the State of Texas, or the provisions of this act, for the purpose of drainage, shall have the power to acquire lands by voluntary donations or by purchase, or in payment of stock or drainage rights; and to hold and dispose of the said lands and other property; and to borrow money for the construction, maintenance and operation of its ditches and canals and laterals, and may issue bonds and mortgage its corporate and other property and franchises, to secure the payment of any debts contracted for the same. Provided, all lands acquired by the said corporations, except such as are used for the construction, maintenance and operation of the said canals, drains, and ditches and laterals, shall be alienated within twenty years from the date of acquiring the same, or be subject to judicial forfeiture.

SEC. 25. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 26. Whereas, there is now no law upon the subject, and an imperative public necessity and emergency exists that this bill should become a law and take effect at once; therefore, be it resolved, that the con-

stitutional rule requiring bills to be read on three several days, be suspended, and that this bill be placed on its third reading, become a law, and take effect immediately after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 99, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 162.

CHAPTER 78.

An act to amend Article 193, Chapter 1, Title 7, of the Penal Code of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That [Article] 193 of Chapter 1 of Title 7 of the Penal Code of the State of Texas, be amended so as to read as follows, to-wit:

Article 193. Any person who, by loud or vociferous talking or swearing, or by any other noise or in any other manner, wilfully disturbs any congregation or part of a congregation assembled for religious worship and conducting themselves in a lawful manner, or who wilfully disturbs in any manner any congregation assembled for the purpose of conducting or participating in a Sunday School, or to transact any business relating to or in the interest of religious worship or a Sunday School, and conducting themselves in a lawful manner, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

H. B. No. 346.]

CHAPTER 79.

An Act to transfer Red River and Fayette Counties from the District School System to the Community School System, and to authorize and empower the said counties to organize and conduct all of their public free schools under the community system, as provided by the laws now in force.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Red River and Fayette Counties, be, and are hereby transferred from the District School system to the Community School system, and are hereby authorized and empowered to organize and conduct all their public free schools under the community school system, as provided by the laws now in force.

SEC. 2. Whereas, under the community system the assessors will have to take the scholastic census; and, whereas, said assessors are now at work, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 88, nays none; and passed the Senate by a two-thirds vote, yeas 22, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 473.]

CHAPTER 80.

An Act to restore to and confer upon the county court of Leon county the civil and criminal jurisdiction heretofore belonging to said county under the constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to such change.

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That the county court of Leon county shall hereafter have exclusive original jurisdiction in civil cases where matters in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars, exclusive of interest.

SEC. 2. Said county court shall have appellate jurisdiction in civil cases over which justice courts have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of cost, and said county court shall have power to hear and determine cases brought up from the justice court by

certiorari under the provisions of the rules of the Revised Civil Statutes thereto.

SEC. 3. The county judge of said county shall have authority either in term time or in vacation to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of the said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or the judge thereof.

SEC. 4. Said county court shall have jurisdiction in the forfeiture and judgment on all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction.

SEC. 5. Said county court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars, and the said court shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 6. The district court of Leon county shall no longer have jurisdiction in cases in which the county court of said county by the provisions of this act has exclusive original or appellate jurisdiction; and it shall be the duty of the clerk of the district court of Leon county within thirty days from the date this act takes effect to make a full and complete transcript of all orders on his docket in cases now pending before said district court of which cases by the terms of this act exclusive jurisdiction is given to the county court, and to deliver said transcript, together with the original papers and certified bill of costs, to the clerk of said county court, and said county clerk shall enter said case or cases on his docket for trial by said county court.

SEC. 7. The county court of said county shall hereafter hold its regular terms of civil or criminal business as provided by the Constitution and general laws of the State, and process heretofore issued from the district court of said county in cases to be transferred under this act to the county court, shall be returnable to the first term of the county court, and all civil cases transferred shall be entered as appearance cases upon the docket of said county court.

SEC. 8. The county court of said county of Leon shall have, as now, the general jurisdiction of probate courts, for the probate of wills, appointment of guardians of minors, idiots, and lunatics, persons non compos mentis, and common drunkards, and for issuance of letters testamentary, and of administrators [administration], settlements of accounts of administrators and guardians, and the settlement and distribution of decedent's estates, and the apprenticeship of minors, and all other necessary powers conferred by law on courts of probate.

SEC. 9. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 10. Owing to the crowded condition of the calendar, and the improbability of reaching the bill before the adjournment of the Legislature, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in

each house be suspended, and that the bill be put on its third reading and final passage, and that it take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House (vote not given); and passed the Senate by a two-thirds vote, yeas 21, nays none.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 96.]

CHAPTER 81.

An Act to provide the mode of furnishing certain supplies to the asylums, and to repeal Chapter 3, Title IX., of the Revised Civil Statutes of the State of Texas, adopted April 29th, 1895.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the superintendents of the several asylums, shall, on the first day of May of each year, and quarterly thereafter, advertise for sealed proposals for furnishing to the superintendents of their respective asylums, certain supplies as hereinafter named, for two weeks, in such daily newspapers, not exceeding three in number, in Texas, as they may select for that purpose; provided, if a daily newspaper be published at or near the town or city where either of said asylums are situated, one paper shall be selected from said town or city; provided, said paper charges the same price for advertising said bids as are charged by other papers selected prior to the day of opening said bids. Such advertisements shall state the articles for which said bids shall be received; they shall also state that preference shall be given to articles manufactured within the State of Texas, and when any brands of goods are specified, it is understood that any article of equal good quality, made within this State, shall be entitled to the preference, prices being equal, and bids shall be made separately as hereinafter named.

SEC. 2. Each bid shall be secured with such bond as the superintendents of the respective asylums may require, with two or more good and sufficient sureties, payable to the State, conditioned that the party to whom any contract may be awarded shall faithfully carry out the terms of the contract, and shall be liable to the State for any default of the same.

SEC. 3. On the day for opening said bids, the board of trustees of the respective asylums, or such of them as may be present, shall open said bids, and shall award to the lowest responsible bidder, the contract or contracts for which he may have bid; provided, that the board of trustees may reject any and all bids if in their judgment the interest of the State demands it.

SEC. 4. All bids shall be made for the term of three months, beginning June first of each year, and quarterly thereafter.

SEC. 5. All supplies shall be furnished in accordance with contract, beginning June first and quarterly thereafter; and it shall be the duty of the superintendents of the several asylums, on the first day of May, August, November, and February of each year, to make out detailed estimates of such supplies as they will require for the ensuing three months, beginning on the first day of the following month, and to submit the same in duplicate to the board of trustees of their respective asylums.

It is hereby made the duty of said board to immediately examine said estimates, and to approve the same, or any part thereof, as they may think necessary, and to give preference to articles manufactured or produced within the State of Texas, whenever such article can be purchased with advantage to the State.

SEC. 6. Bids shall be made for the articles hereinafter named, separately, to-wit: Bids for fresh beef; bids for bacon and lard; bids for flour; bids for rice, peas, beans, grits, and hominy; bids for soap, coarse and fine salt, vinegar, starch, soda, pepper and baking powders; bids for coffee and tea; bids for white and brown sugar; bids for molasses; bids for mackerel, prunes and dried apples, kraut, brooms, candles and oil, canned goods, alcoholic stimulants and tobacco; bids for dry goods, hats, hose, shoes and undershirts; bids for coal and wood; provided, that the party to whom may be awarded the contract for wood may deliver the amount required for a year, under such regulations as the board of trustees may direct.

SEC. 7. The superintendents of the several asylums shall give an itemized receipt for all the articles delivered by the contractors of the same, and when approved by the board of trustees the Comptroller shall draw his warrant upon the Treasurer for the amount, which amount shall be charged to the appropriate appropriations for the asylums furnished.

SEC. 8. The superintendents of the several asylums shall furnish to the board of trustees of their respective asylums a copy of the estimates that they may require for the ensuing three months, which shall be carefully preserved by said board for the inspection of the public. Said estimates shall be itemized, stating the quantity and quality of articles needed.

SEC. 9. The superintendents of the several asylums, in advertising for bids, shall specify the quality of articles required. If the superintendents of said asylums, or any of them, shall find that a sufficient quantity of any articles not enumerated in section 6, shall be needed to justify its purchase by contract, it shall be their duty to add said item or items to any bid, as required in said section, as they may deem best.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 11. The fact that the Comptroller of Public Accounts should be relieved of any and all connection with the advertising for supplies for the several asylums and the awarding of contracts therefor, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 89, nays 5; and passed the Senate by a two-thirds vote, yeas 21, nays 2.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 563.]

CHAPTER 82.

An Act to amend Section 6, of Chapter 132, of the acts of the 24th Legislature of the State of Texas, passed at the regular session thereof, and entitled "An act to create a more efficient road system for Dallas, Lamar and Medina counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the duties and powers of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees, and to provide for the summoning of teams for roads, and allowance of time of service for same on roads, and fixing a penalty for violation of this act, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 6 of Chapter 132 of the acts of the 24th legislature of the State of Texas, passed at the regular session thereof, be amended so as to hereafter read as follows:

Section 6. Any citizen of Dallas, Lamar, or Medina county, who is subject to road duty, who shall, on or before the first day of November of any year, pay to the county treasurer of his county the sum of three dollars, shall be exempt from road duty for the year beginning on the first day of January thereafter. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund. The treasurer shall on the third day of January, or as soon thereafter as practicable, furnish the commissioners' court with a list of all parties who have paid said sum as is provided in this section.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. The near approach of the close of this session of the legislature and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House, and passed the same (vote not given); and passed the Senate by a two-thirds vote, yeas 25, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but

was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 612.]

CHAPTER 83.

An Act to validate and confirm an ordinance passed by the city council of the city of Laredo, ceding to the United States of America certain streets intersecting land to be purchased by the United States of America for the purpose of providing a new site for the military post or reservation called Fort McIntosh, for the erection of fortifications and for such other uses as the government of the United States may desire.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That, whereas, the City Council of the City of Laredo, on the 5th day of March, 1897, passed an ordinance ceding to the United States of America any and all streets and avenues, alleys, or other public highways which intersect or separate any lots, blocks, or parcels of land, within the corporate limits of the City of Laredo, which the United States of America may desire to purchase for the purpose of providing a new site for the military post or reservation called Fort McIntosh, and for erecting fortifications and other improvements for the national defense, and other public uses; and, whereas, it is doubtful if the said City Council of the said City of Laredo was vested with power under its charter to make such concession of said portions of streets, avenues, alleys, and other public highways; now, therefore, be it enacted that said act of the City Council of the City of Laredo in making such concession, be and the same is hereby in all things ratified and confirmed, and the United States of America is hereby vested with all the rights, privileges, powers, and title, conferred, or attempted to be conferred, by said ordinance of the City Council of the City of Laredo.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the third day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 677.]

CHAPTER 84.

An Act to amend sections 23 and 24 of House Bill No. 351, entitled "An act to provide for the construction and maintenance of drains, ditches, and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act," passed at the present session.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 23 and 24 of House Bill No. 351, entitled "An act to provide for the construction and maintenance of drains, ditches, and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act," passed at the present session, be and the same are hereby amended so as to read hereafter as follows:

Section 23. Corporations may be formed and chartered under the provisions of this act, and under the general incorporation laws of the State of Texas, for the purpose of constructing, maintaining, and operating canals, drains, and ditches outside of the corporate limits of cities and towns in any county in the State of Texas, and such corporations shall have full power and authority to make contracts for permanent drainage of any tract of land and the charges therefor, said charges subject to the control of the Legislature, and the rights therein shall be secured by a lien herein expressly given upon the lands benefited by said drain or canal other than homesteads.

All drains and canals so constructed by such corporations shall be reported to the Commissioners' Court of the county wherein constructed, and approved by the same.

Section 24. Any corporation so organized under the provisions of the general laws of the State of Texas, or the provisions of this act, for the purpose of drainage, shall have power to acquire lands for the purpose of its business, or in payment of stock or drainage rights, and to hold and dispose of such lands and all other property, and to borrow money for the construction, maintenance, and operation of its ditches and canals and laterals, and may issue bonds and mortgage its corporate property and franchises to secure the payment of any debts contracted for the same; provided, that lands acquired by said corporations, except such as are used for the construction, maintenance, and operation of said canals, drains, ditches, and laterals, shall be alienated within fifteen years from the date of acquiring the same, or be subject to judicial forfeiture.

SEC. 2. Whereas, Sections 23 and 24 of House Bill Number 351, passed [at] the present session, are defective, therefore an emergency exists, and an imperative public necessity, that such defects be cured, and that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved, April 15, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 99, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

S. B. No. 223.]

CHAPTER 85.

An Act to restore and confer upon the county courts of Menard and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said courts under the constitution and general laws of the State, and to conform the jurisdiction of the district courts of said counties to such changes, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county courts of Menard and Atascosa counties shall hereafter have exclusive original jurisdiction in civil cases where the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district courts of said counties where the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

SEC. 2. Said county courts shall have appellate jurisdiction in civil cases over which justices' courts have original jurisdiction where the judgment of the court appealed from, or the amount in controversy, shall exceed twenty dollars, and said county courts shall have power to hear and determine cases brought up from the justices courts by certiorari, under the provisions of the title of the Revised Statutes relating thereto.

SEC. 3. The county judges in said counties shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said courts, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district courts or judges thereof.

SEC. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said courts have original or appellant [appellate] jurisdiction.

SEC. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and shall have original jurisdiction of all misdemeanors except those involving official misconduct, and concurrent jurisdiction with that of justices of the peace in criminal cases, and appellant [appellate] jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

SEC. 6. The district courts of said counties of Menard and Atascosa shall no longer have jurisdiction of misdemeanors except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases which the county courts of said counties by the provisions of this act, have original or appellate jurisdiction; and it shall be the duty of the district clerks of said counties, within thirty days after this act shall take effect, to make full and complete transcripts of all orders on the criminal and civil dockets in cases then pending before the district courts of said counties, of which cases, by the provisions of this act,

original and appellate jurisdiction is given to the said county courts, and to deliver said transcripts, together with the original papers and a certified bill of costs in each case, to the county clerks of said counties, and said county clerks shall take charge of said transcripts and papers, file the same, and enter said cases on their respective dockets for trial by said courts.

SEC. 7. The said county courts shall also have the power to hear and determine all motions against sheriffs and other officers of the courts for failure to pay over moneys collected under the process of said courts, or other defalcation of duty in connection with such process, and shall have power to punish by fine not exceeding one hundred dollars, and by imprisonment not exceeding three days, any person guilty of contempt of said courts, and all other powers and jurisdiction conferred on county courts by the Constitution and general laws of this State.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 9. The near approach of the close of the session and the importance of transferring without delay the jurisdiction to the county courts, creates an emergency and imperative necessity that the law requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and passed the House (vote not given).]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the sixth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 614.]

CHAPTER 86.

An Act to regulate the terms and fix the times for holding the District Courts in the Eighth Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the terms and times for holding the district courts in the eighth judicial district of Texas shall be as follows:

In the county of Delta on the first Monday in January of each year, and may continue in session three weeks; and on the first Monday in June of each year, and may continue in session until the business is disposed of.

In the county of Hopkins on the fourth Monday in January and August of each year, and may continue in session six weeks.

In the county of Hunt on the sixth Monday after the fourth Monday in January of each year, and may continue in session nine weeks; and on the sixth Monday after the fourth Monday in August of each year, and may continue in session eight weeks.

In the county of Rains on the fifteenth Monday after the fourth Monday in January of each year, and may continue in session two weeks; and on the fourteenth Monday after the fourth Monday in August of each year, and may continue in session until the business is disposed of.

SEC. 2. That all process issued or served before this act takes effect, returnable to the district courts of said judicial district, shall be returnable to the terms of said courts as fixed by the terms of this act; and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the district court of the respective counties held after this act takes effect; and all recognizances and appearance bonds taken in and for said courts shall bind the parties therein obligated to appear at the next term of said courts held under this act.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 4. The great amount of business before this legislature rendering it improbable that this bill can be read on three several days, and the existing inconvenience of attending to the business of the courts in said judicial district as now arranged, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 168.]

CHAPTER 87.

An Act to punish persons for wilfully turning out, or permitting to run at large, within a county or subdivision of a county in which the stock law has been adopted, any stock prohibited by law from running at large.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person who shall wilfully turn out or cause to be turned out, on land not his own or under his control, or who shall wilfully fail or refuse to keep up any stock, prohibited by law from running at large in any county or subdivision of any county in this State, in which the stock law has been adopted; or who shall wilfully allow such stock to trespass upon the land of another, in such county, or subdivision thereof; or who shall wilfully permit to run at large any stock of his own, or of which he is the agent, or of which he has the control, and not permitted to run at large in any county or subdivision of any county in this State, in which the stock law has been adopted, shall be deemed guilty of a

misdeemeanor, and upon conviction shall be punished by fine in any sum not less than five dollars and not more than fifty dollars.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 176.]

CHAPTER 88.

An Act to quiet title to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas entitled "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a land certificate for twelve hundred and eighty acres of land," approved April 9th, 1881, and to validate patents issued on such locations and surveys.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all patents issued by the State upon locations or surveys of land made by virtue of any certificate issued under the provisions of an act of the Legislature of the State of Texas entitled "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a land certificate for twelve hundred and eighty acres of land," approved April 9th, 1881, be and are hereby validated, and the fact that the school and individual sections, or surveys made by virtue of any such certificate, may not have been made contiguous or adjacent to each other shall not be held to invalidate the patent issued on such survey, nor to invalidate the right of the public free school fund to the land located or surveyed for the benefit thereof by virtue of any such certificate.

SEC. 2. That all locations and surveys of land made by virtue of land certificates under said act of April 9th, 1881, entitled "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a land certificate for twelve hundred and eighty acres of land," for which surveys the field notes and certificates have been returned to the Land Office within the time required by law and located upon lands subject to location by certificates, are hereby validated, and where patents have been withheld for no other reason than that the school land required by said act to be located is not located adjacent to the individual land, the Commissioner of the General Land Office is hereby authorized and required to issue patents to the persons to whom said certificates were issued, or to his or her assignee; provided, that said Commissioner shall not be authorized or required to issue to any person to whom such certificate may have been issued, or to his or her assignee, a patent for any greater amount of land than may have been surveyed by virtue of such certificate for the benefit of the public free school fund.

SEC. 3. This act shall not be construed to affect or validate any of

said patents or surveys mentioned in the two preceding sections that would be invalid for other reasons than that the school and individual sections were not located contiguous to each other; provided, that this act shall not be construed to validate any of the above lands obtained by fraud.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 571.]

CHAPTER 89.

An Act to prescribe the time of holding the terms of the district court in the 28th, 36th and 49th judicial districts of the State of Texas, and to repeal all laws or parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the terms of the district court of the 28th judicial district, comprising the counties of Cameron, Hidalgo, Starr, and Nueces, shall, after the first day of August, 1897, be held as follows:

In Cameron county on the first Monday in February and September, and may continue in session four weeks.

In the county of Hidalgo on the fourth Monday after the first Monday in February and September, and may continue in session two weeks.

In the county of Starr on the sixth Monday after the first Monday in February and September, and may continue in session three weeks.

In the county of Nueces on the ninth Monday after the first Monday in February and September, and may continue in session eight weeks.

SEC. 2. That the terms of the district court of the 36th judicial district, comprising the counties of Aransas, San Patricio, Live Oak, McMullen, Atascosa, Frio, La Salle, Zavala, and Dimmit, shall, after the first day of August, 1897, be held as follows:

In the county of Aransas on the first Monday in January and August, and may continue in session two weeks.

In the county of San Patricio on the third Monday in January and August, and may continue in session two weeks.

In the county of Live Oak on the second Monday in March and September, and may continue in session two weeks.

In the county of McMullen on the third Monday after the first Monday in March and September, and may continue in session one week.

In the county of Atascosa on the fourth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Frio on the seventh Monday after the first Monday in March and September, and may continue in session two weeks.

In the county of Zavala on the ninth Monday after the first Monday in March and September, and continue in session one week.

In the county of Dimmit on the tenth Monday after the first Monday in March and September, and continue in session one week.

In the county of La Salle on the eleventh Monday after the first Monday in March and September, and continue in session two weeks.

SEC. 3. That the terms of the district court of the 49th judicial district, comprising the counties of Webb, Encinal, Zapata, and Duval, shall, after August 1st, 1897, be held as follows:

In Duval county on the first Monday in January and June, and may continue in session three weeks.

In the county of Zapata on the tenth Monday after the third Monday in January and on the tenth Monday after the first Monday in October, and may continue in session two weeks.

In the county of Webb on the fourth Monday in January and on the first Monday in October, and may continue in session nine weeks, and on the fourth Monday in June, and may continue in session five weeks.

The unorganized county of Encinal is hereby attached to Webb county for judicial purposes.

SEC. 4. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The fact that the present conflict in the term times of said district courts works serious inconvenience and great hardship upon the litigants, officers, and witnesses, and the crowded condition of the calendar, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after the first day of August, 1897, and it is so enacted.

[NOTE.—The foregoing act passed the House (vote not given); and passed the Senate by a two-thirds vote, yeas 24, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 13.]

CHAPTER 90.

An Act to abolish the unorganized counties of Buchel and Foley, and incorporate their territory in the county of Brewster; to provide for the payment of certain bonds held by the State against said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of the balance of said funds to the proper officers of said Brewster county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the unorganized counties of Buchel and Foley be and the same are hereby abolished.

SEC. 2. That for the purpose of incorporating the territory comprising said unorganized counties in the county of Brewster, the boundary lines of Brewster county be, and they are hereby established as follows:

Beginning at the southeast corner of survey No. 36, certificate No.

3376, G. C. & S. F. Railway Company: thence south to the Rio Grande river: thence down the Rio Grande river, following its meanders, to the Pecos county line; thence in a northwesterly course along the southwestern line of Pecos county to a point due north of the Leoncita Springs to the present corner of Brewster and Jeff Davis counties; thence in a southwesterly direction along the present line of Jeff Davis and Brewster counties to the place of beginning.

SEC. 3. That immediately upon the taking effect of this act a sufficient amount of the funds now in the State treasury to the credit of said unorganized counties to fully pay off and discharge the Presidio county court house and jail bonds now held by the State and apportioned to said unorganized counties by the Comptroller under Chapter 36, Act of 1891, shall be applied to the payment of said bonds and interest on same, and that the balance of said funds, if any, shall be paid over to the treasurer of Brewster county.

SEC. 4. That all taxes due upon or assessed against the property of non-residents in said unorganized counties of Buchel and Foley, and which shall remain unpaid at the time this act takes effect, shall be payable to and shall be collected by the tax collector of Brewster county, in the same manner as other taxes are collected in Brewster county, and a copy of the non-resident tax rolls of said unorganized counties, certified to by the comptroller of public accounts, showing the amount of taxes due and remaining unpaid by such non-residents at the time this act takes effect, shall be sufficient authority for the tax collector of Brewster county to collect such taxes.

SEC. 5. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

SEC. 6. That, whereas, the State now holds for the benefit of the public school fund a large amount of bonds against said unorganized counties, and they have sufficient funds in the State treasury to their credit to fully pay off and discharge said bonds, but there is no law authorizing the application of said funds to the payment of said bonds, there is thereby created and exists such an emergency and imperative public necessity as requires the rule that bills be read upon three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate, and having passed the House with amendments, was referred to a free conference committee, and the report of said committee was adopted by both houses.

No vote on the bill in either house is given by number of yeas and nays, but the Chief Clerk certifies that the bill passed the House with amendments by a two-thirds vote.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the ninth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 40.]

CHAPTER 91.

An Act to repeal Article 1277, and to amend Article 1278, of the Revised Statutes of Texas, relating to continuances.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1277 of the Revised Statutes of the State of Texas, be and the same is hereby repealed.

SEC. 2. That Article 1278 of the Revised Statutes of the State of Texas, be amended so as to hereafter read as follows, to-wit:

Article 1278. On applying for a continuance, if the ground of such application be the want of testimony, the party applying therefor shall make affidavit that such testimony is material, showing the materiality thereof, and that he has used due diligence to procure such testimony, stating such diligence, and the cause of failure, if known; that such testimony can not be procured from any other source; and if it be for the absence of a witness, he shall state the name and residence of the witness, and what he expects to prove by him; and he shall also state that the continuance is not sought for delay only, but that justice may be done.

Provided, that on a first application for continuance, it shall not be necessary to show that the absent testimony can not be procured from any other source.

Approved, April 22, 1897.

Takes effect 90 days after adjournment.

S. B. No. 42.]

CHAPTER 92.

An Act to amend Chapter 3, Title 40, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 2293a, relating to the depositions of parties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 3 of Title 40 of the Revised Civil Statutes of the State of Texas be amended by adding thereto Article 2293a, as follows:

Article 2293a. Where either party to any suit is a corporation, neither party thereto shall be permitted to take ex parte depositions.

Approved, April 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 557.]

CHAPTER 93.

An Act to amend Article 22, Title 4, of the Revised Civil Statutes of Texas, 1895, so as to extend the terms of the District Court in Fort Bend, Wharton, Brazoria and Waller Counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That article 22, title 4, of the Revised Statutes of the State of Texas, of 1895, be so amended as hereafter to read as follows:

Article 22. The Twenty-third Judicial District of Texas shall be composed of the counties of Brazoria, Fort Bend, Jackson, Matagorda, Waller, and Wharton, and the terms of the district court to be held therein shall be held as follows, viz:

In the county of Waller, on the second Monday in February and August of each year, and may continue in session four weeks.

In the county of Fort Bend, on the fourth Monday after the second Monday in February and August of each year, and may continue in session five weeks.

In the county of Wharton, on the tenth Monday after the second Monday in February and August of each year, and may continue in session four weeks.

In the county of Jackson, on the fourteenth Monday after the second Monday in February and August of each year, and may continue in session two weeks.

In the county of Matagorda, on the seventeenth Monday after the second Monday in February and August of each year, and may continue in session two weeks.

In the county of Brazoria, on the nineteenth Monday after the second Monday in February, and the twentieth Monday after the second Monday in August of each year, and may continue in session six weeks.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 459.]

CHAPTER 94.

An Act to require bond investment companies doing business in the State of Texas, to deposit certain sums of money or securities with the Treasurer of the State of Texas, and providing penalties for failing to comply with the terms of this law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That every corporation, company, or individual, doing business in this State as a bond investment company, or company to place or sell bonds, certificates or debentures on the partial payment or installment plan, shall, and the same is hereby required to, deposit with the State treasurer, in

cash or securities approved by the State treasurer, the sum of five thousand dollars, and in addition thereto they shall be required to deposit semi-annually with the State treasurer in cash or securities to be approved by said officer, ten per cent of all the net premiums received, until the sum deposited shall amount to the sum of (\$100,000) one hundred thousand dollars.

SEC. 2. If any such company, being a domestic corporation, shall fail, for sixty days after the passage of this act, or for sixty days after the organization of such company, to make with the State treasurer the deposit required by this act, it shall be considered to have forfeited its charter, and the attorney-general shall, immediately upon receiving information thereof, bring suit in the name of the State, in the district court of Travis county, to have such charter or certificate of incorporation declared forfeited and of no effect, and said court shall declare such charter forfeited, and appoint a receiver for such company, whose duty it shall be, under the order of the court, to distribute to the shareholders the assets of the company. The court shall, out of the assets of the company, make such allowance for compensation for the receiver as shall be equitable and just.

SEC. 3. If any officer, agent, or representative of any such company or companies, whether they be foreign or domestic corporations, shall attempt to place or sell shares, or to transact any business whatsoever in the name or on behalf of such company or companies while they fail or refuse to comply with the provisions of this act, said officer, agent, or representative shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred dollars, nor more than one thousand dollars, for each offense, or be imprisoned in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. Provided, that such company or companies that have sold bonds, certificates, or debentures prior to the taking effect of this act may and can carry out their contracts in force at said date without complying with the provisions of this act.

SEC. 4. In case of the failure of any company covered by this act, the district court of the county or city in which the principal office is located, upon the application of one or more shareholders, shall appoint a receiver for such company, whose duty it shall be to wind up its affairs, liquidate its debts, and distribute its assets, using therefor, upon the order of the court, the deposit previously made, to secure the shareholders, with the State treasurer; and the State treasurer is hereby authorized to pay out such deposit in accordance with requisitions made upon the State comptroller by said receiver, and approved by the court, upon the warrant of the State comptroller.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

H. B. No. 476.]

CHAPTER 95.

An Act to restore to and confer upon the county court of San Saba county the civil and criminal jurisdiction formerly belonging to said county under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to said change.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of San Saba county shall hereafter have exclusive original jurisdiction in civil and criminal cases where the matter in controversy shall exceed in value two hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county, where the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

SEC. 2. Said county court shall have appellate jurisdiction in civil and criminal cases over which justices courts have original jurisdiction, when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars; and said county court shall have power to hear and determine cases brought up from the justice court by certiorari under the provisions of the title of the Revised Civil Statutes relating thereto.

SEC. 3. The county judge of said county shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of the said court; and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or the judge thereof.

SEC. 4. Said county court shall have jurisdiction in the forfeiture and judgment on all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction.

SEC. 5. Said county court shall have exclusive original jurisdiction of all misdemeanors involving official misconduct, and except cases in which the highest penalty or fine that may be imposed under the law may not exceed two hundred dollars; and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 6. The district court of San Saba county shall no longer have jurisdiction in cases in which the county court of said county, by the provisions of this act, have exclusive original or appellate jurisdiction; and it shall be the duty of the clerk of the district court of San Saba county, within thirty days from the passage of this act, to make a full and complete transcript of all orders on his docket, in cases now pending before the said district court, of which cases, by the terms of this act, exclusive jurisdiction is given to the county court, and to deliver said transcript, together with the original papers and certified bills of costs, to the clerk of said county court, and said county clerk shall enter said case or cases on his docket for trial by said county court.

SEC. 7. The county court of said county shall hereafter hold its regular terms of civil or criminal business as provided in the Constitution and general laws of the State, and process, heretofore issued from the district court of said county, in cases to be transferred under this act

to the county court, shall be returnable to the first term of the county court, and all civil cases transferred shall be entered as appearance cases upon the docket of said county court.

SEC. 8. The county court of said county of San Saba shall have, as now, the general jurisdiction of probate courts for the probate of wills, appointment of guardians of minors, idiots and lunatics, persons non compos mentis and common drunkards, and for the issuance of letters testamentary and of administration, settlement of accounts of administrators and guardians, and the settlement and distribution of decedents' estates, and the apprenticeship of minors, and all other necessary powers conferred by law on courts of probate.

SEC. 9. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, in so far as they relate to San Saba county.

SEC. 10. The great necessity for this law creates an imperative public necessity and emergency requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House (vote not given); and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 654.]

CHAPTER 96.

An Act to create a more efficient road system in Gregg, Harrison and Upshur counties, and to provide for the appointment of road-overseers and to define the powers and jurisdiction of the commissioners' court with regard thereto, and to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said counties, and to provide for the appointment of overseers to work such convicts and defaulting poll tax payers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the County Commissioners' Courts of Gregg, Harrison, and Upshur Counties, Texas, may cause all persons who may be convicted of any misdemeanor in any court in said counties for violation of State laws, and who may be committed to the jail of the county in default of the payment of the fine and the costs adjudged against such person or persons, to be worked upon the public roads of such county for such length of time as may be necessary to discharge and liquidate such fine and costs at the sum of fifty cents per day for each and every day such convict may work on such roads; provided, that no convicts shall be required to perform any work upon such roads on Sunday, but they shall be given the same credit as if they had labored on that day.

SEC. 2. The Commissioners' Court shall appoint an overseer for the

purpose of working the convicts and defaulting poll tax payers mentioned in Section one of this act, who shall hold his office for the term of two years, and such overseer shall receive such compensation for his services as may be prescribed and fixed by the Commissioners' Court, not, however, to be less than one dollar per day for the time actually served by such overseer.

SEC. 3. The overseer herein provided for may be removed from office by the court appointing him, for good cause, to be determined by such court, and the vacancy thus occasioned may be filled by said court for the unexpired term of any overseer removed for cause.

SEC. 4. Every insolvent poll tax payer of Gregg, Harrison, and Upshur Counties, who shall fail or refuse to pay his poll tax, and from whom such tax can not be otherwise collected by law, shall be permitted to pay such tax by working on the public county roads of said counties, at the rate of one dollar per day. In order to enforce the provisions of this section, the tax collector of the county shall furnish to the several road overseers of the county the names of all defaulting poll tax payers of the county on or before the first day of March of each and every year, giving the place of residence of such defaulting tax payer, together with the amount due and unpaid by him. For such services such road overseer shall be exempt from road service. It shall be the duty of road overseers herein provided for, whenever any defaulting poll tax payer shall have discharged and paid the same as herein provided, to report the same back to the tax collector, who shall credit the party on the tax roll for the amount thus paid; said overseer shall, also, report the same in his regular report to the Commissioners' Court; provided, that no fine or any penalty shall be recovered of any defaulting insolvent poll tax payers for failure to work out their poll tax indebtedness under the provisions of this act.

SEC. 5. This act shall be cumulative of all general laws of this State on the subject of roads and bridges, and the employment of county convicts, not in conflict herewith; and, when not otherwise provided herein, such general law shall apply; but in case of conflict with general laws, this act shall govern; and the courts of the State shall have and take judicial knowledge of this act in the same manner and to the same extent as they are required to know and notice the general laws of the State.

SEC. 6. The near approach of the close of the present session of the Legislature and the vast amount of important business now pending, and the fact that the public roads of Gregg, Harrison, and Upshur counties are now in a deplorable condition, for the want of a more efficient road system, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House (vote not given); and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it origin-

ated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 90.]

CHAPTER 97.

An Act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the violation of same, and to provide for the appointment of a State Board of Dental Examiners.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That it shall be unlawful for any person to practice or attempt to practice dentistry or dental surgery in the State of Texas without first having secured a diploma from some reputable dental college, school or university department, duly authorized by the laws of this State, or some other of the United States, or some foreign country, and in which college, school or university department there are at the time of issuance of such diploma annually delivered a full course of lectures and instructions in dentistry and dental surgery; provided, that nothing in Section one (1) of this act shall apply to any person engaged in the practice of dentistry or dental surgery in the State at the time of the passage of this act except as hereinafter provided; and provided, further, that physicians and surgeons may, in the regular practice of their profession, extract teeth or make applications for the relief of pain.

SEC. 2. It shall be unlawful for any person or persons to extract teeth or perform any other operation pertaining to dentistry for pay or for the purpose of advertising, exhibiting, or selling any medicine or instrument or business of any kind or description whatever, unless such person or persons shall first have complied with the provisions of this act.

SEC. 3. A Board of Examiners consisting of six practicing dentists of acknowledged ability as such, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in the State of Texas, at the time of the passage of this act; and also to decide upon the validity of such diplomas as may be subsequently presented for registration, as hereinafter provided, and issue certificates to all applicants who may hereafter apply to said board and pass a satisfactory examination.

SEC. 4. The members of said board shall be appointed by the Governor and shall serve for a term of two years, excepting that the members of the board first appointed shall be made as follows: three for one year, and three for two years, respectively, and until their successors are duly appointed. In case of vacancy occurring in said board by resignation, removal from the State, or by death, such vacancy may be filled for its unexpired term by the Governor.

SEC. 4a. Before entering upon the duties of this office each and every member of this board shall make oath before any officer authorized to administer an obligation, who shall be empowered to use a seal of office, that he will faithfully discharge the duties incumbent upon him to the best of his ability. The same shall be filed for record with the county clerk in the county in which affiant resides. The county clerk shall receive for recording the same fifty cents.

SEC. 5. Said board shall keep a record, in which shall be registered the names and residences or places of business of all persons authorized under this act to practice dentistry or dental surgery in this State. It shall elect one of its members president and one secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of the members of said board shall constitute a quorum, and the proceedings thereof shall be open to the public.

SEC. 6. Every person engaged in the practice of dentistry or dental surgery within this State at the time of the passage of this act, shall, within six months thereafter, cause his or her name, residence, and place of business to be registered with said board of examiners, upon which said board shall issue to such person a certificate duly signed by a majority of the members of said board, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in Section one (1) of this act.

SEC. 7. Any person desiring to commence the practice of dentistry or dental surgery within this State after the passage of this act, shall, before commencing such practice, file for record in a book kept for such cases, with the said board of examiners, his or her diploma, or duly authenticated copy thereof, the validity of which the said board have the power to determine. If accepted, said board shall issue to the person holding such diploma a certificate duly signed by all or a majority of the members of said board, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in section one (1) of this act; provided, that any person, whether holding a diploma as aforesaid or not, shall have the privilege of making application to said board, and upon undergoing a satisfactory examination shall be entitled to a certificate in like manner as a person holding a diploma, and upon the same terms.

SEC. 8. Any member of said board may, when the board is not in session, grant a license to practice dentistry to a person whom such member finds on examination to be qualified, on the payment of the sum of two dollars by such person. A license so granted shall be valid until the next meeting of the board, but no longer. Each member shall make a report of licenses so granted by him, at the meeting of the board following the granting of the license. A member shall not grant a license under the provisions of this section to one who has been rejected by the board as disqualified.

SEC. 9. Every person to whom license is issued by said board of examiners, shall, within thirty days from the date thereof, present the same to the clerk of the county in which he or she resides or expects to practice, who shall officially record said license in a book in his office provided for that purpose, and shall be entitled to a fee of fifty cents for his services.

SEC. 10. To provide for the proper and effective enforcement of this act, said board of examiners shall be entitled to the following fees, to-wit:

For each certificate to persons engaged in the practice in the State at the time of the passage of this act the sum of fifty cents; for each certificate issued to persons not engaged in the practice of dentistry in the State at the time of the passage of this act, the sum of ten dollars.

SEC. 11. The members of said examining board shall receive the

compensation of five dollars per day for each day actually engaged in the duties of their office, which, together with all other legitimate expenses incurred in the performance of such duties, shall be paid from the fees received by the board under the provisions of this act; and no part of the expenses of said board shall at any time be paid out of the State Treasury. All moneys in excess of said per diem allowance and other expenses shall be held by the secretary of the said board, as a special fund for meeting the expenses of said board, he giving such bond as the board may from time to time direct, and said board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in the pursuance of this act.

SEC. 12. Any person who shall violate this act by practicing or attempting to practice dentistry or dental surgery within the State without first complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five nor more than three hundred dollars for each and every offense, each day in the practice constituting a separate offense. All fines collected from prosecutions under this law shall be appropriated to the common school fund in the county where collected.

SEC. 13. Any person or persons who shall violate this act by extracting teeth or performing any other operation pertaining to dentistry, for the purpose of advertising, exhibiting, or selling any medicine, instrument, or business of any kind or description, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five nor more than three hundred dollars for each and every offense.

SEC. 14. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 314.]

CHAPTER 98.

An Act to amend Articles 529c, 529d, 529g, 529h, 529m, and 529n, of Chapter 5, Title 13, of the Revised Penal Code of the State of Texas, of 1895, and by adding Articles 529s and 529t to said Chapter 5, Title 13, of said Penal Code of the State of Texas, relating to offenses for the protection of fish, birds and game, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 529c, 529d, 529g, 529h, 529m, and 529n, of Chapter 5, of Title 13, of the Penal Code of the State of Texas, of 1895, be amended so as to hereafter read as hereinafter set forth, and that Articles 529s and 529t

be added to said Chapter 5, of Title 13, of the Penal Code of the State of Texas, of 1895, as hereinafter set forth:

Article 529c. The catching of fish, green turtle, or terrapin, in any of the public waters in the State by poison, lime, dynamite, nitro-glycerine, giant powder, or other explosives, is hereby prohibited; and any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars, and each day shall constitute a separate offense.

Article 529d. Any person who shall engage in the business of fishing or catching green turtle or terrapin without first having procured a license therefor, as prescribed in Article 2518k of the Revised Civil Statutes, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred and fifty dollars, and any person who shall sell fish, green turtle, or terrapin, caught by drag seine or set net, shall be considered as engaged in the business above named.

Article 529g. It shall be unlawful for any person during the breeding season, consisting of the months intervening between April the first and September the first, to catch any fish, green turtle, or terrapin, by drag seine or set net, in these waters, which are hereby declared to be breeding grounds for fish, green turtle, and terrapin, to-wit:

1st. All that portion of water in Cameron and Nueces counties known and marked on the United States Coast Survey Chart as Baffirs Bay and Aqua Dulce.

2nd. All that portion of water in Nueces County lying north of the San Antonio and Aransas Pass Bridge and marked on the United States Coast Survey Chart as Nueces Bay.

3rd. All that portion of water in Aransas County known and marked on the United States Coast Survey Chart as Copana Bay, Puerto Bay, Mission Bay, and St. Charles Bay.

4th. All that portion of Lavaca Bay in Calhoun County North and West of the line starting from the extreme East point of Gallinipper Point and running in a northerly direction along Gallinipper Bar to the extreme South point of Point Comfort, or sometimes called Mitchell's Point.

5th. All that portion of water in Refugio and Calhoun Counties marked on the United States Coast Survey Chart as Hynes' Bay.

6th. All that portion of water in Calhoun County north of a line starting from the extreme point of Marsh's Point and running due east to the east bank of San Antonio Bay, and marked on the United States Coast Survey Charts as Mission Bay and San Antonio Bay.

7th. All that portion of water in Calhoun County marked on the United States Coast Survey Chart as Carankaway Bay.

8th. All that portion of water in Matagorda County North of a line starting from the extreme point of Wells Point and running East to Palacios Bayou, and marked on the United States Coast Survey Chart as Turtle Bay and Trespalacios Bay.

9th. All that portion of water in Brazoria County marked on the United States Coast Survey Chart as Bastrop Bay and Oyster Bay.

10th. All that portion of water in Galveston and Harris Counties North of a line starting from the extreme Southern point of Red Bluff

on the West bank of Galveston Bay and running in an easterly direction to the first beacon south of Morgan's Point, thence in a northeasterly direction to the extreme point of Mesquite Point.

11th. All that portion of water in Chambers County marked on the United States Coast Survey as Turtle Bay.

12th. All that portion of water in Galveston and Harris Counties known as Clear Creek and Clear Lake, as far up as the G. H. & H. R. R. Bridge.

13th. All that portion of water in Chambers County starting from the mouth of the Trinity River, with all adjacent channels, bayous, and lakes, up said river to include Lake Charlotte.

14th. All that portion of water in what is known as Ingleside Bay or Ingleside Cove, North of a line starting from the extreme western point of Hatch's Peninsula, in a northerly direction to Donnel's Point on the mainland.

15th. All that portion of water lying west of a line drawn from the northwest point of Mustang Island at the old Revetment, placed there by the United States Government, to the first buoy south of the Lighthouse, and continuing in same direction to the East shore of Harbor Island; said body of water lies between Mustang and Harbor Islands, and is commonly known as the "Cove."

16th. All that portion of water known as Redfish Bay in Nueces County and Aransas County, and being all that body of water lying west of and between Shell Banks, Bird Island, Hog Island, Blackberry Island, and Ransom's Island, on the East, and the mainland, on the West.

17th. All that body of water on the west shore of St. Joe Island, beginning at a point on St. Joe Island called Caesar's Point, thence in a southerly direction along the middle ground to a stake set 600 feet due West of Allyn's Wharf, thence East to the west shore of said Island, thence northerly with the meanders of said west shore to the place of beginning.

18th. All that body of water known as Galveston Bay.

Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars, and each day shall constitute a separate offense; and in any and all prosecutions under this article the identification of the boat from which such violation occurs shall be prima facie evidence against the person or persons in charge or on such boat.

Article 529h. Any person fishing with a drag seine or set net, for sale or market, shall return all fish, green turtle, or terrapin, of the sizes and weights specified in Articles 528e, and 529f, of the Penal Code, to the water while they are yet alive, except Sharks, Gars, Rays, and Sawfish; and the sizes of the meshes of fish seines used shall not be less than one and one-quarter inches square, not including the bag; and any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred and fifty dollars.

Article 529m. When oysters are gathered as prescribed in Article 529s of this act, from the public beds or reefs, except for planting, they must be culled, and the young oysters and dead shells must be returned to the original reef or bed while the young oysters are yet alive, and not

to exceed ten hours from the time of taking from the water bed or reef. Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred and fifty dollars for each and every offense.

Article 529s. It shall be unlawful for any person to take or gather oysters from the public reefs or beds of the State for sale without having first procured a license from the Fish and Oyster Commissioner or his deputy. Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred and fifty dollars; and any person offering for sale or selling oysters who is not a regular dealer or has not procured a license for gathering oysters, shall be considered as gathered for sale.

Article 529t. It shall be unlawful for any person gathering oysters for planting on locations obtained from the State, or on private property, to sell, market, or in any way dispose of oysters so gathered at the time of gathering for any other purpose than planting; provided, this shall not be considered as meaning the right to dispose of a location or oyster bed. Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

SEC. 2. Whereas, the fact that the penal laws are now inadequate for the protection of the subjects of the foregoing act, therefore, an imperative public necessity exists that this act be passed under a suspension of the constitutional rule requiring a bill to be read on three several days, and that it take effect from and after its passage, and it is so enacted.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 95, nays 3; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the thirteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 107.]

CHAPTER 99.

An Act to define and prevent "Cold Storage" in a local option county, precinct, city, town, or subdivision of a county, and to affix a penalty for running, keeping or maintaining them in such county, city, town, or subdivision.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any house, room, tent, or any other place, within the limits of any county, precinct, city, town, or subdivision of a county, which has, or may hereafter, at a legal election held for that purpose, adopt the local option law, for such county, precinct, city, town, or subdivision of a

county, shall be run, kept, or maintained for the purpose of storing, cooling, or keeping cold any intoxicating liquor whatever for others; and any such house, room, tent, or other place, in any such local option county, precinct, city, town, or subdivision, which shall be used or occupied as a place to store or keep for any other person than the owner or proprietor of such house, room, tent, or other place, any intoxicating liquors whatever, whether for pay or otherwise; and any such house, room, tent, or other place, in any such local option county, precinct, city, town, or subdivision, at, in, or about which house, room, tent, or other place, the owner, proprietor, or the agent or employee of the owner or proprietor, may solicit or take or receive orders from others for any intoxicating liquors whatever, to be sent or delivered to such owner, proprietor, agent, or employee, for the person giving such order, shall be and constitute a "cold storage" within the meaning of this act; provided, that this act shall not be so construed as to prevent any person not the owner, proprietor, manager, agent, or employee of any such cold storage from ordering intoxicating liquors by telegraph, telephone, or express company, to be shipped by freight or express to his own address; and provided, further, that warehouses situated in any such local option county, precinct, city, town, or subdivision of a county, owned by breweries, and used exclusively for shipping into and storing their own products, which products are to be distributed in unbroken packages to dealers living outside of any local option county, precinct, city, town, or subdivision of a county, shall not be construed to be a "cold storage" within the meaning of this section; provided, further, that this act shall not prohibit the storing of intoxicating liquors in unbroken packages by manufacturers or wholesale dealers in any such local option county, precinct, city, town, or subdivision of a county, which may be there stored for distribution in unbroken packages to dealers outside of any local option county, precinct, city, town, or subdivision of a county.

SEC. 2. Any owner or proprietor, or any agent or employee of any owner or proprietor, or any other person, who shall keep, maintain, or manage any such cold storage, or be interested in keeping, maintaining, or managing any cold storage within any such county, precinct, city, town, or other subdivision, and any person who shall solicit or take orders for any intoxicating liquors, whatever, to be sent or shipped to any person who may keep, maintain or manage any such cold storage, or be interested in keeping, maintaining, or managing any cold storage, or to the agent or employee of any such cold storage, or to, or in, the care of any such owner, proprietor, agent, or employee, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and in addition thereto shall be imprisoned in the county jail for a term of not less than twenty-five nor more than one hundred days.

SEC. 3. If any owner or proprietor of any cold storage, within any such county, precinct, city, town, or subdivision of a county, or the agent or employee of any such owner or proprietor, shall solicit or take any order for intoxicating liquors, to be shipped or sent into any such county, precinct, city, town, or subdivision of a county, and such intoxicating liquors shall be shipped or sent thereinto by reason of such order, it shall be deemed and construed in law that the sale was made and com-

pleted in the county, precinct, city, town, or subdivision in which such order was solicited or taken.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the fourteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 517.]

CHAPTER 100.

An Act to make it a felony for any president, director, manager, cashier, or other officer, of any bank, banking institution, or the owner, agent, or manager, of any private bank or banking institution, or the president, vice president, secretary, treasurer, director, or agent, of any trust company or institution, doing business in the State of Texas, to receive or assent to the reception of any deposit of money or other valuable thing in such bank, banking institution or trust company or institution; or for any such officer, owner, or agent, of such bank, banking institution, or president, vice president, secretary, treasurer, or director, or agent, of such trust company or institution, to create or assent to the creation of any debt, debts, or indebtedness, in consideration or by reason of which indebtedness any money or valuable property shall be received into such bank, or banking institution, or trust company or institution, after he shall have had knowledge of the fact that such bank, banking institution, or trust company or institution, or the owner or owners of any such private bank or institution, is insolvent or in failing circumstances; and to provide an appropriate penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any president, director, manager, cashier, or other officer, of any banking institution, or the owner, agent, or manager, of any private bank or banking institution, or the president, vice president, secretary, treasurer, director, or agent, of any trust company or institution, doing business in this State, shall receive or assent to the reception of any deposit of money or other valuable thing into such bank or banking institution, or trust company or institution, or if any such officer, owner, or agent, of such bank or banking institution, or if any president, vice president, secretary, treasurer, director, or agent, of such trust company or institution, shall create or assent to the creation of any debt, debts, or indebtedness, in consideration of or by reason of which indebtedness any money or valuable property shall be received into such bank or banking institution, or trust company or institution, after he shall have had knowledge of the fact that such bank, banking institution, or trust company or institution, or the owner or owners of any such private bank, is insolvent or in failing circumstances, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary for a term of not less than two nor more than ten years; provided, that the failure of any such bank or banking institution, or trust company or institution, shall be prima facie evidence of knowledge on the part of any such officer or person that the same was insolvent or in failing circumstances when the money or property was received on deposit.

SEC. 2. That whereas, there is no law in this State properly defining the offense of receiving money or valuable things on deposit by presidents, directors, managers, cashiers, or other officers, of banks, banking institutions, nor by the owner, owners, agents, or managers, of private banks, banking institutions, or the presidents, vice presidents, secretaries, treasurers, directors, or agents, of trust companies and institutions, doing business in this State, or for creating or assenting to the creation of any debt or debts in consideration or by reason of which indebtedness any money or valuable property shall be received into such bank, banking institution, trust company or institution, after such officer or agent shall have had knowledge of the fact that such bank, banking institution, trust company or institution, or the owner or owners of any such institution, is insolvent or in failing circumstances, creates an imperative public necessity and an emergency which authorizes the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is therefore suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the fourteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

H. B. No. 77.]

CHAPTER 101.

An Act to amend Article 2396 of the Revised Civil Statutes of Texas, of 1895, by adding thereto the proviso that the proceeds of the voluntary sale of the homestead of a family shall not be subject to garnishment or forced sale within six months after such sale.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2396 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 2396. The homestead of a family, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village, consisting of a lot or lots, not to exceed in value five thousand dollars at the time of their designation as a homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family; provided, also, that any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired; provided, further, that the proceeds of the voluntary sale of the homestead shall not be subject to garnishment or forced sale within six months after such sale.

Approved, April 26, 1897.

Takes effect 90 days after adjournment.

S. S. B. No. 133.]

CHAPTER 102.

An Act to define and prescribe the times for holding terms of the Courts of Civil Appeals in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the terms of the Courts of Civil Appeals in and for the several supreme judicial districts in the State of Texas shall commence on the first Monday in October of each year and shall continue in session until the first Monday in July of each succeeding year.

SEC. 2. The near approach of the close of the session, the crowded condition of the calendars of each house, and the importance of this act to the people of Texas, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this bill be put upon its third reading and final passage, and it is so enacted.

Approved, April 28, 1897.

Takes effect 90 days after adjournment.

S. B. No. 240.]

CHAPTER 103.

An Act to amend an act entitled "An Act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed; establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may hereafter be returned delinquent or reported sold to the State or to any county, city or town, to satisfy the lien thereon," as enacted by the regular session of the twenty fourth Legislature, being Chapter 5 a of Title CIV of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That for the purpose of taxation real property shall include all lands within the State, and all buildings and fixtures thereon, and appertaining thereto, except such as are expressly exempted by law.

SEC. 2. All lands or lots which have been returned delinquent, or reported sold to the State, or to any city or town for taxes due thereon since the first day of January, A. D. 1885, or which may hereafter be returned delinquent or reported sold to the State or to any city or town, shall be subject to the provisions of this act, and said taxes shall remain a lien upon the said land, although the owner be unknown or though it be listed in the name of a person not the actual owner, and though the ownership be changed, the land may be sold under the judgment of the court for all taxes, interest, penalty and costs shown to be due by such assessment, for any preceding year.

SEC. 3. It shall be the duty of the Commissioners' Court of each county in this State immediately upon the taking effect of this act to cause to be prepared by the tax collector, at the expense of the county (the compensation for making out the delinquent tax record to be fixed by the

Commissioners' Court), a list of all lands, lots, or parts of lots sold to the State for taxes since the first day of January, 1885, and which have not been redeemed, in their respective counties, and unorganized counties attached thereto, and to have such lists recorded in books to be called the "Delinquent Tax Record," showing when the lands or lots were reported delinquent or sold to the State for taxes, also the name of the owner at the time of such sale or delinquency, if known, the numbers of acres, the amount of taxes due when first sold, and the amount of all taxes assessed against the owner thereof and returned delinquent for each year as shown by the records of the tax collector's office; and in making up the list or lists contemplated by this act, corrections and omissions in the description of any real estate embraced in such list or lists shall be made, so that when the corrections are made and the omissions supplied, the description will be such as is given in the abstracts of all the titled and patented lands in the State of Texas, or as required in section 12 of this act, such as may be furnished by the Commissioner of the General Land Office, and it shall be required in bulk assessments, to apportion to each tract or lot of land separately, its pro rata share of the entire tax, penalty and cost. The list for each county, when certified to by the county judge, and assessment rolls and books on file in the tax collector's office, shall be prima facie evidence that all the requirements of the law have been complied with by the officers charged with any duty thereunder, as to the regularity of listing, assessing, levying of all the taxes therein mentioned, and reporting as delinquent or sold to the State any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the property in said list or assessment rolls or books, is not sufficient to properly identify the same, and of which property there is a sufficient description in the inventories in the assessor's office, then said inventories shall be admissible as evidence of the description of said property. This Delinquent Tax Record for each county shall be delivered to and preserved by the county clerk in his office, and the Commissioners' Court shall cause a duplicate of same to be sent to the Comptroller; provided, that where the records are incomplete in any county, it shall be the duty of the Comptroller to furnish such county with a certified copy of the delinquent list for any year or years.

SEC. 4. On receipt of such Delinquent Tax Record containing a complete list of the lands or lots that have been reported delinquent or sold to the State for taxes for any year or number of years since January 1, 1885, and containing, also, the data and information mentioned in Section 3 of this act, it shall be the duty of the county clerk of each of the counties of this State, respectively, to certify the same to the Commissioners' Court for examination and correction, and shall thereafter cause the same to be recorded in a book, which book shall be labelled the "Delinquent Tax Record of County." The Delinquent Tax Record shall be arranged numerically as to abstract numbers, and shall be accompanied by an index showing the names of delinquents in alphabetical order.

SEC. 5. Upon the completion of said Delinquent Tax Record by any county in this State, it shall be the duty of the Commissioners' Court to cause the same to be published in some newspaper published in the county, for three consecutive weeks; but if no newspaper is published in

the county, such list may be published in a newspaper outside of the county to be designated by the Commissioners' Court by contract duly entered into, and a publishers' fee of twenty-five cents shall be taxed against such tract or parcel of land so advertised, which fee, when collected, shall be paid into the county treasury, and the Commissioners' Court of said county shall not allow for said publication a greater amount than twenty-five cents for each tract of land so advertised, and said publication, and any other publications in a newspaper provided for in this act, may be proved by the affidavit of the printer of the newspaper in which the publication was made, his foreman, or principal clerk, annexed to a copy of the publication, specifying the times when and the paper in which the publication was made; provided, that all corrections made in said record, under this section, be noted in the minutes of the Commissioners' Court, and shall be certified by the county clerk to the Comptroller, who shall note the same upon his Delinquent Tax Record; provided, that in the event such Delinquent Tax Record be not published correctly in accordance with the copy furnished such newspaper, then no compensation shall be allowed for such publication.

SEC. 6. Twenty days after the publication of such notice, or as soon thereafter as practicable, the Commissioners' Court, or the county judge acting for said court, shall file a list of all lands so advertised for taxes due for any year or number of years, the tax on which remains unpaid, with the county clerk of the county in which such lands are located, or if unorganized, then with the county clerk of the county to which said unorganized county may be attached for judicial purposes, and are to be sold under the provisions of this act, for all the taxes, interest, penalty, and costs, and shall cause suit to be filed in the name of the State of Texas, in the District Court of said county, or if unorganized, then, in the District Court of the county to which said unorganized county is attached for judicial purposes, stating therein by apt reference to lists or schedules annexed thereto, a description of all lands or lots in such county upon which taxes and penalty have remained unpaid for any year or number of years since the first day of January, 1885, and the total amount of such taxes, with interest computed thereon to the time fixed for the sale thereof at the rate of six per cent per annum, and shall pray for judgment for the payment of the several amounts so specified therein, and in default thereof, that such lands be sold to satisfy said judgment for all taxes, interest, penalty, and costs, and for such other relief to which the State may be entitled under the law and facts. All suits to enforce the collection of taxes, as provided in this act, shall take precedence and have priority over all other suits pending in the District Court. The petition in such suits shall be signed by the attorney bringing the suit, and shall be verified by the affidavit of said attorney, or the county judge, to the effect that the averments contained in said petition are true to the best knowledge and belief of affiant, and the pleadings of the defendant, except those of law, shall be verified by like affidavit of the defendant, his agent or attorney. The County Collector, County Clerk and County Assessor shall furnish all affidavits, certified copies of the records of their respective offices, and such other evidence as may be in their possession by virtue of such office, as may be applied for by the County Attorney.

SEC. 7. The proper persons shall be made parties defendant in such

suits and shall be served with process, and other proceedings had therein as provided by law for suits of like character in the District Courts of this State; and in case of foreclosure, an order of sale shall issue, and the land sold thereunder as in other cases of foreclosure; but if the defendant or his attorney, shall at any time before the sale, file with the sheriff or other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tracts than the whole, together with a description of such subdivisions, then, such officer shall sell the lands in said subdivisions as the defendant may request, and in such case shall only sell as many subdivisions, as near as may be, to satisfy the judgment, interest, penalties, and costs, and after the payment of the taxes, interest, penalties, and costs, adjudged against it, the remainder of the purchase price, if any, shall be paid by the sheriff to the clerk of the court out of which said execution or other final process issued to be retained by him, subject to the order of the court for the period of two years, after which time the court may order the same to be paid to the State Treasurer, who shall hold same in trust to be paid to the owner against whom said taxes were assessed; provided, any one claiming the same shall make proof of his claim to the satisfaction of the State Treasurer, within ten years after the sale of said lands or lots, after which the same shall be governed by the law regulating escheats; provided, that no suit shall be brought to enforce such lien upon any land that a sufficient description to identify the same can not first be had; and provided, further, that if there shall be no bidder for such land that the county attorney shall bid said property off to the State for the amount of all taxes, penalties, interest, and costs adjudged against said property, and in the absence of the county attorney the sheriff is authorized to bid to the State, when there are no bidders; and it shall be the duty of the District Clerk to immediately make report of such sale in duplicate, one to the Comptroller of Public Accounts, and one to the Commissioners' Court, on blanks to be prescribed and furnished by the Comptroller. And in all such cases where the property is bid off to the State, it shall be the duty of the sheriff to make and execute deeds to the State, using forms to be prescribed and furnished by the Comptroller, showing, in each case, the amount of taxes, interest, penalty, and costs for which sold, and the clerk's fee for recording deeds as hereinafter provided. He shall cause such deeds to be recorded in the records of deeds, by the county clerk of his county, and when so recorded shall forward the same to the Comptroller; and the county clerk shall be entitled to a fee of one dollar for recording each such deed to the State, to be taxed as other costs. And when lands thus sold to the State shall be redeemed, it shall be the duty of the collector of taxes, when any such redemption is made, to make the proper distribution of the moneys received by him in such redemption, paying to each officer the amount of costs found to be due, and to the State and county the taxes, interest, and penalties due each, respectively.

SEC. 8. In all cases in which lands have been sold, or may be sold for default in the payment of taxes, it shall be lawful for the sheriff selling the same, or any of his successors in office, to make a deed or deeds to the purchaser or to any other person to whom the purchaser may direct the deed to be made, and any such deed shall be held in any court of law or

equity in this State to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud.

SEC. 9. The county attorney, or district attorney in counties where there is no county attorney, shall represent the State and county in all suits against delinquent tax payers that are provided for in this act, and all sums collected shall be paid immediately to the county collector.

In no case shall the compensation for said county attorney be greater than three dollars for the first tract in one suit, and one dollar for each additional tract, if more than one tract is embraced in same suit to recover taxes, interest, penalty, and costs; provided, that those county attorneys who may have heretofore or may hereafter institute said suits shall be entitled to an equal division with their successor in office of the fees allowed herein on all suits instituted by them, where the judgment has not been obtained prior to the vacation of their office. The collector of taxes, for preparing the delinquent list and separating the property previously sold to the State from that reported to be sold as delinquent for the preceding year, and certifying the same to the Commissioners' Court, shall be entitled to a fee of one dollar for each correct assessment of the land to be sold, said fee to be taxed as costs against the delinquent. The sheriff shall be entitled to a fee of one dollar for selling and making deed thereto to each purchaser of land that he sells under judgment for taxes, which fee shall be taxed as costs of suit, and the District Clerk shall be entitled to a fee of one dollar and fifty cents in each case, to be taxed as costs of suit. And the County Clerk, for making out and recording the data of each delinquent assessment, and for certifying the same to the Commissioners' Court for correction, and for noting the same in the minutes of the Commissioners' Court, and for certifying the same, with corrections, to the Comptroller, and noting the same on his delinquent tax record, shall receive the sum of one dollar, to be taxed as costs against the land in each suit; provided, that in no case shall the State or county be liable for such fees, but in each case they shall be taxed as costs against the land to be sold under judgment for taxes and paid out of the proceeds of sale of same after the taxes, penalty, and interest due thereon to the State are paid; provided, that where two or more unimproved city or town lots belonging to the same person and situated in the same city or town shall all be included in the same suit and costs, except those of advertising, which shall be twenty-five cents for every ten lots, or any number less than ten, taxed against them collectively just as if they were one tract or lot; and, provided, further, that where suits have been brought by the State against delinquents to recover tax due by them to the State and county, the said delinquent may pay the amount of the tax, interest, penalties, and all accrued costs to the county collector during the pendency of such suit, and the county attorney shall receive as compensation therefor two dollars for the first tract and one dollar for each additional tract embraced in said suit, and the District Clerk shall receive only one dollar, and the sheriff only one dollar in each case; but these fees shall be in lieu of the fees provided for such officers where suits are brought as hereinbefore provided.

SEC. 10. If any person shall fail or refuse to pay the taxes imposed upon him or his property by law until the 31st day of January next succeeding the return of the assessment rolls of the county to the Comptroller, a penalty of ten per cent on the entire amount of such taxes shall accrue,

which penalty, when collected, shall be paid proportionately to the State and county, and the collector of taxes shall, by virtue of his tax rolls, seize and levy upon and sell so much personal property belonging to such person as may be sufficient to pay his taxes, together with the penalty above provided, interest, and all costs accruing thereon. If no personal property be found for seizure and sale, as above provided, the collector shall, on the 31st day of March of each year for which the State and county taxes, for the preceding year only, remain unpaid, make up a list of the lands and lots on which the taxes for such preceding year are delinquent, charging against the same all taxes and penalties assessed against the owner thereof.

Said list shall be made in triplicate and shall be presented to the Commissioners' Court for examination and corrections of any errors that may appear, and when so examined and corrected by the Commissioners' Court, such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk, and one copy retained and preserved by the collector, and one copy forwarded to the Comptroller with his annual settlement reports.

When such list of lands and lots, delinquent for the preceding year only, is corrected, as provided for in this section, then such list shall be immediately advertised, as provided for in section 5 of this act, and, after such advertisement, suit shall be instituted against delinquents for all taxes and penalties due, in the District Court, as above provided, and such list, as furnished by the tax collector, and corrected by the Commissioners' Court, and the assessment rolls or books on file in the collector's office, or either said list or assessment rolls or books shall be prima facie evidence that all the requirements of the law have been complied with by the officers or courts charged with any duty thereunder as to the regularity of listing, assessing, levying all taxes therein mentioned, and reporting as delinquent any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor's office, then said inventories shall be admissible as evidence of the description of said property.

In the counties where the Delinquent Tax Record for former years has not been furnished, as provided for in Section 3 of this act, the collector of taxes shall, also, at the same time, make, in triplicate, a list of all lands and lots that have been previously sold to the State for taxes of former years, which have not been redeemed and on which the taxes are delinquent for the preceding year, and shall present the same to the Commissioners' Court for examination and correction of any error that may appear, and when so examined and corrected by the Commissioners' Court, such lists, in triplicate, shall be approved by said court, and one copy thereof shall be filed with the county clerk, one retained and preserved by the collector, and one copy forwarded to the Comptroller, with his annual settlement reports.

SEC. 11. Any incorporated city or town or school district shall have the right to enforce the collection of delinquent taxes due it under the provisions of this act.

SEC. 12. Real estate which may have been rendered for taxes and

paid under erroneous description given in assessment rolls, or lands that may have been doubly assessed and taxes paid on one assessment, or lands which may have been assessed and taxes paid thereon in a county other than the one in which they are located, or lands which may have been sold to the State and upon which taxes have been paid and through error not credited in the assessment rolls, shall not be deemed subject to the provisions of this act.

When called upon, the Commissioner of the General Land Office shall furnish the County Judge of any county compiling its own delinquent tax record, officially, with such information as may be necessary to enable him to determine the validity or locality of such surveys and grants as have not been shown by the printed abstracts of the Land Office.

SEC. 13. Any delinquent tax payer whose lands have been returned delinquent or reported sold to the State for taxes due thereon, or any one having an interest therein, may redeem the same at any time before his lands are sold under the provisions of this act by paying to the collector the taxes due thereon since January first, 1885, with interest at the rate of six per cent per annum and all costs and the penalty of ten per cent, as provided for in Section 10 of this act; provided, such penalty has accrued under the provisions and since the passage and taking effect of this act.

SEC. 14. Where lands are sold under the provisions of this act, the owner or any one having an interest therein, shall have the right to redeem said land, or his interest therein, within two years from the date of said sale upon the payment of double the amount paid for the land.

SEC. 15. Wherever the owner or owners of any lands or lots returned delinquent or reported sold to the State, or that may hereafter be reported sold or returned delinquent for the taxes due thereon for any year or number of years, are non-residents of the State, or the name of the owner or owners of said land or lots be unknown, then upon affidavit setting out that the owner or owners are non-residents or that the owner or owners are unknown to the attorney for the State and after enquiry can not be ascertained, said parties shall be cited and made parties defendant by notice in "The name of the State and county directed to all persons owning or having or claiming any interest in the following described land delinquent to the State of Texas and county of _____, for taxes, to-wit: (here set out description of the land as contained on the assessment roll and such further description obtainable in the petition), which said land is delinquent for taxes for the following amounts, \$_____ for State taxes, and \$_____ for county taxes, and you are hereby notified that suit has been brought by the State for the collection of said taxes, and you are commanded to appear and defend such suit at the _____ term of the District Court of _____ county, and State of Texas, and show cause why judgment shall not be rendered condemning said land (or lot), and ordering sale and foreclosure thereof for said taxes and costs of suit," which notice shall be signed by the clerk and shall be published in some newspaper published in said county one time a week for three consecutive weeks. If there is no newspaper published in the county then notice may be given by publication in a paper in an adjoining county. A maximum fee of 2½ cents per line (seven words to count a line) for each insertion may be attached for publishing the citation as above provided for. If the publication of such citation can not

be had for the compensation provided for in this section then publication of the citation herein provided may be made by posting a copy at three different places in the county, one of which shall be at the court house door. It shall be lawful in all cases to set forth in the petition the name of all parties interested as far as ascertained, and make them parties, and also to join and make defendants all persons having or claiming any legal or equitable interest in the land described in the petition, and such suit after such publication shall be proceeded with as in other cases, and whether any party or parties make defense or not on the trial of said case the State and county shall be entitled to prove the amount of taxes due and shall have a decree for the sale of said land or lot as in those cases where defendant owners have been personally served and defend suit, and a sale of said land or lot shall be had and be as binding as where defendants were personally served with process. In all suits for taxes due the defendant shall be entitled to credits he can show due him for any year or number of years for which he may be able to produce receipts, but the State shall have judgment and foreclosure of tax lien for any year or years sued for where the defendant can not offer receipt or other positive proof showing the payment of the claim for the taxes.

SEC. 16. In any incorporated city or town in which any lots or blocks of land situated within the corporate limits of said city or town have been returned delinquent or reported sold to said city or town for the taxes due thereon, the City Council may prepare lists of delinquents in the same manner as is provided for in Section 3 of this act, and when such lists shall be certified to as correct by the Mayor of said city or town, the City Council may direct the City Attorney to file suit in the district court of the county in which said city or town is situated, for the recovery of the taxes due on said property together with penalty, interest, and costs of suit, which suits may be brought in the same manner as is provided in Section 5 of this Act for the bringing of suits by the County Attorney.

SEC. 17. That in counties in which the subdivisions of surveys are not regularly numbered, and in cities or towns in which the blocks or subdivisions are not numbered, or are so irregularly numbered as to make it difficult or impossible for the Assessor to list the same, the Commissioners' Court of such counties may have all the blocks and subdivisions of surveys platted and numbered so as to identify each lot or tract, and to furnish the Assessor with maps showing such numbering; and an assessment of any property by such numbering on said maps shall be sufficient description thereof for all purposes, and such maps, or a certified copy of same or any part thereof, shall be admissible as evidence in all courts; provided, that the cost of making said survey and plats shall be defrayed by the county in which said property is situated and of which the said Commissioners' Court ordered the said surveys and plats made; provided, that the cost of any map of a town or city shall be paid by such town or city when ordered by the town or city.

SEC. 18. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 19. The fact that the passage of this law will facilitate the collection of taxes, and provide the method of reporting the same to the Comptroller, supplying needed omissions in existing laws, creates an

emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 26, nays none; and having passed the House with amendments by a two-thirds vote, yeas 103, nays 4, in which the Senate refused to concur, was referred to a free conference committee, the report of which was adopted in the Senate by a two-thirds vote, yeas 23, nays none; and adopted in the House, yeas 71, nays 15.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the fourteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 518.

CHAPTER 104.

An Act to amend Articles 5243e, 5243i, 5243j, and 5243k, of Chapter 9, Title 104, of the Revised Civil Statutes relating to the taxation of Insurance, Telephone, Sleeping and Dining Car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for the violation of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 5243e, 5243i, 5243j, and 5243k, of Chapter 9, Title 104, of the Revised Civil Statutes be amended so as to hereafter read as follows:

Article 5243e. Every Life, Fire, Marine, Accident or other Insurance Company at the time of its filing its annual statement shall report to the Commissioner of Insurance the gross amount of premiums received in this State during the preceding year, and each life insurance company and life and accident insurance company shall pay an annual tax of 2 per cent on such gross premium receipts; and each fire insurance company shall pay an annual tax of one-half of one per cent, and each marine, health, live stock, guarantee or accident insurance company shall pay an annual tax of one per cent on such premium receipts; and the gross premium receipts are understood to be the premium receipts reported to the Commissioner of Insurance by the insurance companies on sworn statements. Upon receipt by him of sworn statements showing the gross premium receipts by such companies, the Commissioner shall certify to the State Treasurer the amount of tax due by each company, which tax shall be paid to the State Treasurer for the use of the State on or before the first day of March following, whose receipt shall be evidence of payment of such taxes, and no insurance company shall receive a permit to do business in this State until such taxes are paid; provided, that no occupation tax shall be levied on any insurance company by any county, city, or town, but this article shall not be construed to

prohibit the levy of such county, State, and municipal taxes upon the real and personal property of such companies.

Article 5243i. Each and every private domestic corporation hertofore chartered under the laws of this State, shall pay to the Secretary of State an annual franchise tax of ten dollars, to be paid on or before the first day of May of each year, and every such corporation which shall be hereafter chartered under the laws of this State, shall also pay to the Secretary of State an annual franchise tax of ten dollars, the tax for the first year to be paid at the time such charter is filed, and the Secretary of State shall not be required or permitted to file such charter until said tax is paid; and each succeeding tax shall be paid on or before the first day of May of each year thereafter: provided, that any such corporation having a capital stock of over \$50,000.00 and less than \$100,000.00 shall pay an annual franchise tax of \$20.00; and having a capital stock of over \$100,000.00 and less than \$200,000.00, shall pay an annual franchise tax of \$30.00; and having a capital stock of over \$200,000.00 shall pay an annual franchise tax of \$50.00. And each and every foreign corporation having an authorized capital stock of one hundred thousand dollars or less which has heretofore received a permit to do business in this State, under the laws of this State, shall pay to the Secretary of State an annual franchise tax as follows: Each and every foreign corporation having a capital stock of \$25,000 or less, an annual franchise tax of \$25.00; each and every foreign corporation having a capital stock of more than \$25,000.00, and not exceeding \$100,000.00, an annual franchise tax of \$100.00, to be paid on or before the first day of May of each year; and every such corporation which shall hereafter receive such permit shall also pay to the Secretary of State an annual franchise tax of fifty dollars, the tax for the first year to be paid at the time such permit is issued, and the Secretary of State shall not be required or permitted to issue said permit until said tax is paid, and each succeeding tax shall be paid on or before the first day of May of each year thereafter. And any such corporation having an authorized capital stock of more than one hundred thousand dollars shall in addition to the franchise tax of fifty dollars, as above provided, also pay a franchise tax of one dollar for every ten thousand dollars of their capital stock over and above one hundred thousand dollars. And any corporation which shall fail to pay the tax provided for in this article, at the time specified herein, shall, because of such failure, forfeit its right to do business in this State, which forfeiture shall be consummated without judicial ascertainment by the Secretary of State entering upon the margin of the ledger kept in his office relating to such corporations, the word "Forfeited," giving the date of such forfeiture; and any corporation whose charter may be thus forfeited shall be denied the right to sue; provided, in any suit against such corporation, on a cause of action arising before such forfeiture, no affirmative relief may be granted to such defendant corporation, unless its charter is revived; as provided in Article 5243 j. All transportation companies now paying an annual income tax on their gross receipts in this State shall be exempted from the provisions of this act.

Article 5243j. The Secretary of State shall, on or before the first day of March of each year, notify all private domestic and foreign corporations subject to a franchise tax by any law of this State, by mailing to the post-

office named as the principal place of business of such corporation in its articles of incorporation, or to any other place of business of such corporation, addressed in its corporate name, a written or printed notice that such tax will be due at a date named therein, a record of the date of which mailing must be kept by said officer, and which mailing of such notice and the said record thereof shall constitute legal and sufficient notice for all the purposes of this article; and in thirty days after the first day of May of each year, said officer shall publish for ten consecutive days, in some daily newspaper published in this State, a list of the corporations whose rights to do business in this State have been forfeited for non-compliance with this chapter; provided, that any corporation which shall, within six months after such publication, pay the tax and five dollars additional thereto, for each month or fractional part of a month, which shall elapse after such forfeiture, shall be relieved from the forfeiture of its charter by reason of such failure, and when such tax and the said penalty are fully paid to the Secretary of State, it shall be the duty of said officer to revive and reinstate said forfeited charter by erasing or cancelling the word "Forfeited" from his ledger, and substituting therefor the word "Revived," giving the date of such revival. Provided, further, that this chapter shall not be construed to repeal any law prescribing fees to be collected by the Secretary of State.

Article 5243k. Corporations organized for the purpose of religious worship, or for holding places of burial, not for private profit, or corporations organized for the purpose of holding agricultural fairs, and encouraging agricultural pursuits, or for strictly educational purposes, or for purely public charity, are exempted from the tax imposed by this act.

Every person, firm, corporation or association owning, controlling, managing or operating any dining or sleeping cars within this State for the use of the public, and for which use any fare is charged, shall pay a tax of ten cents for every one hundred miles over which each of said cars may be operated on any line of railroad wholly or in part within this State. Said tax herein provided for shall be paid to the State Treasurer, quarterly, for the use of the State, and every such company, association, person or corporation so owning, controlling or managing any such dining or sleeping car, shall, quarterly, report to the Comptroller of the State of Texas, the number of miles each and every such car has been transported over any line of railway situated wholly or in part within this State during the preceding quarter, and it is hereby made the duty of every conductor, agent or employe controlling, or operating any such dining or sleeping car herein mentioned to make said report and to see that same is done at the end of each quarter as herein provided. Should any person, association of persons, or corporation, or employes or agents of any such person, association, or corporation herein named, fail to make the report provided in this act, for 30 days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$50, nor more than \$100, and each day after the said 30 days has expired, shall be deemed a separate offense.

It is not intended by this act to repeal any law now in force in this State taxing sleeping and dining car companies, associations or persons owning same.

SEC. 2. All laws or parts of laws in conflict with this act shall be, and the same are hereby repealed.

SEC. 3. The fact that the close of this session is rapidly approaching, and the further fact that the State is greatly in need of revenue, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved, April 30, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 88, nays 4; and having passed the Senate with amendments by a two-thirds vote, yeas 23, nays 1, the House concurred in the Senate amendments by a vote of yeas 73, nays 16.]

H. B. No. 556.]

CHAPTER 105.

An Act authorizing certified copies of instruments conveying land in Archer county, recorded in Jack county from the 10th day of August, 1866, to the 10th day of August, 1870, to be admitted in evidence in all suits where secondary evidence is necessary.

Whereas, from the 10th day of August, 1866, to the 10th day of August, 1870, inclusive, the unorganized county of Archer was attached to the organized county of Jack for registration purposes, and whereas, the record containing conveyances of land situated in Archer county, recorded in Jack county from the 10th day of August, 1866, to the 10th day of August, 1870, has been moved from Jack county to the county of Shackelford, and said record is now in the archives of the office of the clerk of the county court of Shackelford county: Therefore,

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That certified copies of deeds, mortgages, trust deeds, and all other instruments in any manner affecting titles to lands in Archer county which were recorded in Jack county from the 10th day of August, 1866, to the 10th day of August, 1870, said certified copies made under the hand and seal of the clerk of the county court of Shackelford county, be admitted in evidence in all suits where secondary evidence is admissible.

SEC. 2. Whereas, There is great uncertainty and difficulty for legal and equitable owners of lands situated in Archer county, to make proof of their title, by reason of the removal of said record from Jack county to Shackelford county, and in order to provide a rule of evidence that proof can be made of titles to land in Archer county, and to prevent litigation, an emergency exists, and public necessity requires that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 95, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-third day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 366.]

CHAPTER 106.

An Act for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That it is necessary for the public use that the State of Texas own two hundred and fifty acres of land on the site of the battle field of San Jacinto, in Harris county, Texas, in addition to what it already owns, for the use of the State for public purposes as a public park, and that the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purchase by agreement or condemnation by the State of Texas of any tract or tracts of land constituting and composing a part of said battle field, and enclosing the same, which may be selected by the commissioners hereinafter provided for, not exceeding two hundred and fifty acres, situated on the site of the said battle field, for the use of the State, as a public park; and said commissioners may purchase or condemn for the State, such portion of the site of said battle field as they may in their discretion deem proper, within the restrictions and limitations hereinafter imposed.

SEC. 2. That the Governor shall, upon the taking effect of this act, or as soon thereafter as practicable, appoint three commissioners, who shall enter into a bond payable to the Governor of Texas or successors in office, in the sum of ten thousand dollars, conditioned that they will well and truly discharge their duties as such commissioners, and faithfully expend said money and make due report to the Governor of their action; and who shall have the powers and duties mentioned in the sections following, and who shall serve without compensation; provided, that a majority of said commissioners may act, and a decision of the majority shall be sufficient on all matters coming before them.

SEC. 3. It shall be the duty of the said commissioners to purchase the land necessary for said park, or so much thereof as they may be able to acquire within the limitations and restrictions of this act, and they shall have full powers in the selection of said land, and to select the same, and to arrange and carry through the terms of sale and purchase.

SEC. 4. The commissioners provided herein are authorized to pay for the land they may designate and select for said park, whatever they may consider the fair and reasonable market value of the same; provided, the price to be agreed upon therefor does not exceed twenty-five dollars per acre; but should said commissioners, for any reason, fail or be unable to agree with any owner or owners of any of said land, as to the price to be

paid therefor, then they shall take steps to condemn the same, in the name of the State of Texas, and in order to effect this purpose, it shall be the duty of said commissioners to cause to be stated in writing, the real estate or property sought to be taken, the name of the owner or owners thereof and the residence of such owner, if known, and file such statement with the county judge of Harris county. Upon the filing of the statement provided for in this section, it shall be the duty of said county judge in term time or vacation to appoint three disinterested freeholders and qualified voters of Harris county as special commissioners to assess the damages to accrue to the property by reason of such condemnation. The special commissioners so appointed to assess such damage shall in their proceedings be governed and controlled by the laws in force in reference to the condemnation of the right of way for railroad companies and the assessment of damage therefor, and the proceedings shall be in accordance with such law, the State of Texas occupying the position of the railroad company, and all laws in reference to the applications for the condemnation for right of way of railroad companies, including the measure of damages, the service, actual or constructive, on the property owner, the right of appeal, and the like, not inconsistent with other provisions of this act, shall apply to the application by the State, in these proceedings, but it is specially provided that in the event of condemnation proceedings the damages assessed for the taking of any tract or parcel of land shall in the discretion of the commissioners herein provided for be deemed excessive and greater than a reasonable and adequate compensation therefor, or exceed the average twenty-five dollars per acre for the entire number of acres acquired under such condemnation, said commissioners shall decline and refuse to pay the same, and in such event the State of Texas shall pay the court costs of such proceedings, and no further action thereunder shall be taken.

SEC. 5. Before any purchase or condemnation of any land shall be consummated under this act, a proper and complete abstract of the title thereto shall be by said commissioners presented to the attorney general and shall be examined and approved by him, showing, in his opinion, in whom the legal title thereto is vested, and upon such approval of the title by the attorney general, then, in the event either of purchase by agreement or by condemnation, the commissioners hereby appointed shall make an application in writing, and under oath, addressed to the treasurer of the State of Texas, stating the amount of land to be acquired, from whom acquired, how acquired, and the price to be paid therefor, and when such application has been approved by the governor, it shall be a sufficient warrant, and the treasurer is hereby required to pay the same, and each of them so made within the provisions and limitations of this act, and the appropriation hereby made, and said commissioners shall then take proper conveyances or evidences of title placing the title to said land in the State of Texas and pay the owner or owners therefor.

SEC. 6. Such reasonable and necessary expenses as may be incurred by the commissioners, personally, and in the employment of engineers and surveyors as may be necessary in carrying out the provisions of this act, shall be presented in writing and under oath to the governor, and if approved by him as reasonable and correct, shall be audited as other

claims and paid out of the appropriation herein made. Said commissioners shall on the completion of their services herein provided for, and not later than the first day of January, 1899, make a full report to the Governor with an itemized statement of all expenditures and all acts done and performed under this act.

SEC. 7. The great number of bills now pending before both houses of the legislature, and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved, May 6, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and having passed the House with amendments (vote not given), the Senate concurred in the amendments (vote not given).]

H. B. No. 337.]

CHAPTER 107.

An Act to amend Article 207, Chapter 1, Title 8, of the Penal Code, relating to the crime of perjury, and fixing a penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 207, Chapter 1, Title 8, of the Penal Code of the State of Texas, be and the same is hereby amended so as to hereafter read:

Article 207. The crime of perjury, except as in cases provided for in Article 208 of the Penal Code, shall be punished by imprisonment in the penitentiary for a term, not more than ten years, nor less than two years.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the twenty-sixth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 589.]

CHAPTER 108.

An Act to amend Article 2313, Chapter 4, Title 40, of the Revised Civil Statutes of the State of Texas, 1895, relating to the introduction of certain abstracts of titles as evidence.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2313, Chapter 4, Title 40, of the Revised Civil Statutes of the State of Texas, 1895, be amended so as to hereafter read as follows:

Article 2313. All abstracts of land titles, or land abstract books to land in this State, compiled from the records of any county in this State prior to the year 1877, which said records were partially or wholly destroyed or lost from any cause during the months of May, 1874, and

March, 1876, shall hereafter be competent prima facie evidence of the truth of the data or memoranda therein contained and compiled prior to the year 1877, and shall be admissible in evidence in the courts of this State; provided, that the compiler of such abstracts of land titles or land title abstract books shall have made heretofore, or before offered in evidence, affidavit before some officer authorized at the time of making such affidavit to take acknowledgments to deeds in this State, and to the effect that said abstracts of land titles or land title abstract books were compiled by him from the records of the county prior to their destruction or loss, and that they contain a true and correct statement of the matters and things to which they relate; and provided, also, that it shall be admissible to offer in evidence any testimony tending to discredit or substantiate the reliability of such abstract of land titles or land title abstract books, or tending to show the compiler thereof to have been incompetent or unreliable, or competent and reliable; and provided, further, that a copy of such abstract shall be filed in the papers of the cause in which it is sought to be used, and notice given to the opposite party at least five days before the trial, and the same defenses may be made as if copies of the original record had been filed; provided, further, that the party offering such abstracts of land titles or land title abstract books in evidence shall himself or by his agent or attorney have made affidavit that the original instrument to which the said data or memoranda relates is not then on record; that he has made diligent search and inquiry for the same in places and from persons where and in whose possession it would most probably be found, and has been unable to find the same; that to his best knowledge and belief the same is lost or destroyed; and provided, further, that the owner of said abstracts of land titles or of land title abstract books shall have filed with the county commissioners' court his application in writing (which may be granted, or refused, in the discretion of said court, and if refused, this article shall not become of force as to said application so refused) for an order of said court admitting to record in said court the contract of the said owner in writing wherein the said owner shall bind himself, his heirs and assigns, as follows: That said owner, his heirs or assigns, will, whenever requested in writing, setting forth the data required by any party to any suit interested in introducing said abstracts of land titles or land title abstract books, produce the same without charge on the day demanded for introducing in evidence, and upon the trial of any cause in this State; provided, that if said owner, his heirs or assigns, are required to produce said abstracts of land titles or land title abstract books in courts of any other county than that to the lands of which said abstracts of land titles or land title abstract books pertain, they shall be, by the party at whose instance such production is required, reasonably compensated in advance for the time and expenses of the said owner, his heirs or assigns.

And the said owner in said contract shall bind himself, his heirs and assigns, to answer in full damages to any party damaged by the failure or default of the said owner, his heirs or assigns, without good cause, to produce said abstracts of land titles or land title abstract books, data or memoranda, when demanded, as herein provided.

And said contract shall further stipulate that no charge shall ever be made by said owner, his heirs or assigns, in excess of one dollar for each instrument or remove in any title in the compilation of a complete ab-

abstract or title to the lands in the county to which said abstracts of land titles or land title abstract books pertain, and that said owner, his heirs and assigns, will, upon request and payment of the fees therefor by any person, either make, compile, and certify, or cause to be made, compiled or certified, within a reasonable time, a complete abstract of title to any lands to which said abstracts of land titles or land title abstract books pertain; provided, that nothing herein contained shall ever be construed to any way affect or apply to any suit or suits pending in any of the courts of this State on the twelfth day of July, 1891; provided, further, that the provisions of this article shall not apply, if it can be shown by competent evidence that any such deeds were improperly recorded.

SEC. 2. Whereas, the enacting at this session of the present Legislature of the legislation contemplated by this bill is imperiled by the great number of bills pending before that body, therefore an emergency exists creating an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is therefore suspended, and that this act take effect and go into force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 87, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the twenty-sixth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 124.]

CHAPTER 109.

An Act to provide for the survey of lands to be set apart as a permanent endowment fund for the Branch University for colored people of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Governor and Commissioner of the General Land Office be and they are hereby authorized to contract with and appoint a competent surveyor to survey and return to the General Land Office plats and field notes of one hundred thousand acres of land, to be surveyed out of any of the vacant public and unsurveyed lands of this State in the manner hereinafter provided. They shall contract with such competent surveyor at the lowest price consistent with competency and efficiency in discharging the duties of surveyor. If they deem it necessary they may advertise for bids from surveyors. The surveyor so appointed shall enter into a good and sufficient bond in a sum of not less than double the contract price of the surveys, conditioned that he will faithfully comply with the requirements of this act, which bond shall be payable to the governor of the State, and be approved by him.

SEC. 2. The Commissioner of the General Land Office shall furnish the surveyor appointed under authority of this act with sketches show-

ing connections with any existing and established corners from which he may begin the surveys. He shall survey the lands into sections of 640 acres and in blocks after the manner of the railway surveys now existing in this State, and shall make plats of each block and survey, numbering the blocks in numerical order, beginning with number one, and shall also number each section in each block in the same manner, beginning with number one in each block. In all cases he shall mark and establish two corners on the ground for each survey, and the lines between which, if in timber, shall be distinctly marked. Said corners shall be made with at least two bearings, if in timber, and if in prairie, by earth mounds six feet in diameter and three feet high, or with a pile of rocks not less than two feet high. He shall actually survey each section on the ground and sign the field notes, himself, of each survey separately and have his chain carriers to attest the field notes of each survey by their own signatures. The surveyor shall then certify that he actually surveyed the land embraced in the field notes, on the ground, and that the field notes correctly describe the land. He shall have the field notes of each survey and plat recorded in the surveyor's record of the county or counties in which the lands surveyed are situated or in the county to which such county may be attached for surveying purposes in the manner now required by law. He shall, however, first forward the field notes of all surveys made in any county to the commissioner of the land office for examination both as to correctness and as to conflicts with older valid surveys, and upon their return to the surveyor, after being approved by the commissioner, they shall be recorded as above required. After the field notes are recorded the said surveyor shall make a plat of each block of surveys according to the field notes so made by him, and return same, together with the original field notes, recorded, to the general land office. All the lands surveyed as required by this act shall thereafter be mapped in the land office and shall be known and designated as the Branch University surveys for the colored people.

SEC. 3. It shall be the duty of the commissioner to have the sections carefully numbered on the map in accordance with the field notes of the surveys and blocks so returned by the surveyor. The odd numbered surveys shall thereafter be set apart and constitute a permanent endowment for a branch University for the colored people; and the even numbered sections shall thereafter be set apart and constitute a permanent endowment for the public free schools of the State. None of the odd numbered lands surveyed, as required by this act, shall be put on the market and disposed of by the commissioner of the land office, but shall be under the control of the Board of Regents for the University of Texas, and held by the board in trust for the benefit of the said branch University for the colored people. All the funds received by said board for leases or sale of said lands shall be held sacred for the benefits and uses herein designated. The commissioner shall not sell the even numbered sections set apart herein for the public free school fund, but may lease the same to such persons only as may lease from the board of regents the odd numbers. Whenever the board may desire to sell said lands, they may contract for its sale, and the purchaser, upon exhibiting to the commissioner of the land office such contract and depositing with him a duplicate copy of the same, the commissioner may also sell the school sections corresponding with such odd numbers on the same terms and at the same price per acre

as that embraced in the contract; provided, it shall not be sold for less than one dollar per acre: The proceeds to be paid into the treasury of the State, as now provided by law.

SEC. 4. Any of the vacant and unsurveyed public domain situated in any of the counties embraced in Chapter XXXIII, approved March 11, 1881, may be surveyed for the purposes set out in this act, notwithstanding any reservation therein or elsewhere.

SEC. 5. If any sale shall be made of the school lands herein as provided in Section 4 of this act, and any payment of principal or interest shall not be made according to the contract of sale, it shall be the duty of the commissioner of the general land office to forfeit the contract without judicial ascertainment, as now provided by law, and the contract shall contain a stipulation authorizing such forfeiture which shall be signed by the purchaser.

SEC. 6. The surveyor shall be paid by a warrant of the comptroller drawn on the treasurer of the State out of the general revenue upon the presentation to the comptroller of the certificate of the commissioner of the general land office certifying that the lands have been surveyed and field notes and plats have been properly returned to the land office. He shall also reimburse in the same manner the contractor for any sum of money for fees which he may have paid to the county surveyor for recording field notes and plats, not in excess of the fees now provided by law for such recording.

SEC. 7. The near approach of the end of this session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put upon its third reading and final passage.

Approved, May 7, 1897.

Takes effect 90 days after adjournment.

S. B. No. 322.]

CHAPTER 110.

An Act to create a more efficient road system for Ellis County, Texas, and making County Commissioners of said county *ex officio* Road Commissioners, and prescribing their duties as such, and providing for their compensation as Road Commissioners, and providing for the appointment of Deputy Road Commissioners, and defining the powers and duties of such County Commissioners, and providing for the appointment of Road Overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees, and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each of the duly elected and qualified County Commissioners of Ellis County, Texas, shall be *ex officio* Road Commissioners and general road supervisors of their respective districts, and under the direction of the Commissioners' Court of his county shall have charge of all teams, tools and machinery belonging to the county and placed in his hands by said

court, and it shall be his duty, under such rules and regulations as the Commissioners' Court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such County Commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge and his successors in office, of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all of the duties required of him by law, or by the Commissioners' Court, and that he will account for all moneys or property that may come into his possession, belonging to the county; provided, that with the consent of the Commissioners' Court, any one of said commissioners shall be allowed to appoint any competent person as Deputy Road Commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such Deputy Road Commissioner shall be entitled to the same compensation that is allowed County Commissioners for same service; provided, that County Road Commissioners shall not be allowed any compensation as Road Commissioners when a Deputy Road Commissioner [has] been appointed.

SEC. 2. The Commissioners' Court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said Commissioners' Court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade, or otherwise improve any road or bridge by contract. In such case, said court, or the County Judge, by the authority of the Commissioners' Court, may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the County Judge of said county and his successors in office, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract, the court shall direct the County Treasurer to pass the amount to a particular fund for that purpose, and the Treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said Commissioners' Court shall have the power to employ any hands or teams to work on the roads of said county, under such regulations, and for such price as it may deem proper.

SEC. 3. The Commissioners' Court of said county shall require all county convicts not otherwise employed, to labor upon the public roads, under such regulations as said court may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine, first, and then on the costs, for each day he may labor. Such Commissioners' Court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and provide a reward, not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person

other than the guard or person in charge of such [convict] at the time of his escape, which reward shall be taxed against such convict, and worked out or paid by him as a part of the costs. The Commissioners' Court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisoners' clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The officers and witnesses shall receive such amount of their costs for the arrest and conviction of said convicts as is now allowed, or may hereafter be allowed by general law, which amount shall be paid out of the road and bridge fund on the warrant of the County Judge, as is provided by law, when said fine and costs have been worked out, as provided for in this section; provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State.

SEC. 4. Each County Commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the road in the district of said overseer, so far as has been supplied therewith by the Commissioners' Court, taking receipt of said overseer therefor, specifying each item, and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county, shall be liable for any damages that may occur to the same while in his possession, caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the Commissioners' Court. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioners all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the County Commissioners when acting as Road Commissioner, to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The road commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two and one-half days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time. And provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when called out, shall perform a good day's work; if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The Commissioners' Court may allow any over-

seer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and fifty cents per day for the time so served; provided, no road overseer shall receive pay for extra time, unless labor performed by him be done upon the written order of his road commissioner.

SEC. 7. Any citizen of Ellis County liable for road duty, who shall, on or before the first day of January of each year, pay to the County Treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The Treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, and keep a separate account for each road district for which it is received. The Treasurer shall, on the third day of January, or as soon thereafter as practical, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying to his overseer at any time before the day appointed to work on his road, the sum of one dollar for each day he is summoned to work, and one dollar for each day he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such teams for the time for which he had so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the Commissioners' Court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summons and require such road hand to bring with him for public road work, such team or teams as he may have on hand suitable for road work. Provided, such hand shall be allowed two days' time for each day put in by a hand with his team, and one day's time for his team without such hand.

SEC. 10. If any person, liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay to such overseer the sum of one dollar for each day he may have been notified to furnish his team for road work, or having attended, shall fail to perform good service, or any other duty required of him by law, or the person under whom he may work, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the Commissioners' Court in February of each year, all road overseers shall make their reports under oath, upon forms to be furnished by said court, which said reports shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had

and expended by him, shall be audited and settled; and as soon thereafter as practicable, said Commissioners' Court shall appoint and commission road overseers for the succeeding year. Any overseer failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform his duties of overseer, when appointed by said court, or to perform any other duties required of him by law, or by the Commissioners' Court, or by the Commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening or draining any road or part thereof, if the owner of said land and the Commissioners' Court can not agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right-of-way, and the same proceedings may be had and the same right shall exist to each party as would exist if proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Every owner of a farm or other lands upon which a hedge of any description grows on or near the public road, shall be required to keep same trimmed so that the same shall never be higher than eight feet, and shall not obstruct said road; and any such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road commissioner of his district to trim such hedge, as herein required, and in such case, if such owner shall, after receiving such notice, fail or refuse to trim such hedge, within thirty days after notice, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week, and each week he shall so fail or refuse shall constitute a separate offense, from and after the expiration of thirty days from the time that he received such notice; such fines to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge, as required by this act, then the road commissioner shall cause the same to be trimmed in accordance with this act, to be paid for out of the road and bridge fund of the county.

SEC. 14. Each County Commissioner when acting as road commissioner, and performing the duties imposed upon him by law, or by the Commissioners' Court, shall be entitled to two and one half dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed fifty dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the Commissioners' Court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days [work] actually performed by him, and that it was necessary to be done; and that no commissioner shall be entitled to pay as road commissioner, either for himself or for his deputy, while he is performing the duties of county commissioner; nor shall he receive any additional pay other than provided by this section, for inspecting or riding over his road, or for other road services.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict, this act shall control as to the County of Ellis.

SEC. 16. The crowded condition of the calendar, and the urgent need for a better road system in Ellis County, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 300.]

CHAPTER 111.

An Act to diminish the civil and criminal jurisdiction of the county court of King and Stonewall counties; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of King and Stonewall counties shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons, and to apprentice minors, as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt, under such provisions as are or may be provided by general law governing county courts throughout the State, but the said county court of King and Stonewall counties shall have no other jurisdiction, civil or criminal, whatsoever.

SEC. 2. That the district courts of King and Stonewall counties shall have and exercise jurisdiction in all civil and criminal matters and causes over which, by the laws of this State, the county courts of said counties would have jurisdiction, except as provided in Section 1 of this act; all causes other than probate matters, and such as are provided by Section 1 of this act, be, and the same are hereby transferred to the district courts of King and Stonewall counties, and all writs and processes relating to any civil or criminal matters not included in the subject matters of jurisdiction prescribed in Section 1 of this act, issued by or out of said county courts of King and Stonewall counties, be, and the same are hereby made

returnable to the next term of the district courts of said counties after this act takes effect.

SEC. 3. That the county clerks of King and Stonewall counties be, and are hereby required, within thirty days after this act takes effect, to make a full and complete transcript of all entries upon their civil and criminal dockets heretofore made in cases which, by Section 2 of this act, are required to be transferred to the district courts of said counties, together with all the papers to such causes pertaining, and a certified bill of costs in each case, and all such causes shall be immediately docketed by said district clerks; and such civil cases so transferred shall stand on the dockets of said courts as appearance cases for the next succeeding terms, and all criminal cases shall be docketed and disposed of in the same manner as if the same had been originally triable in said district courts, and all process now issued and returnable to said county courts shall be returnable to said district courts.

SEC. 4. That this act shall not be construed to in any manner affect judgments heretofore rendered by said county courts of King and Stonewall counties pertaining to matters and causes which, by Section 2 of this act, are transferred to the district courts of said counties, but the county clerks of said counties shall issue all executions and orders of sale, and proceedings thereunder shall be as valid and binding, to all intents and purposes, as though the change had not been made as by Section 2 therein contemplated.

SEC. 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 6. Owing to the great inconvenience caused the people of King and Stonewall counties, and the almost unanimous demand by the citizens of said counties that said jurisdiction be diminished, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days; said rule is therefore suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 22, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the twenty-seventh day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 212.]

CHAPTER 112.

An Act to provide a penalty for the failure or refusal of any president, vice-president or cashier of a national bank to furnish the tax assessor or deputy tax assessor a correct statement of the assets and liabilities of the national bank of which such person is president, vice-president or cashier.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any president, vice president, or cashier of any national bank shall fail or refuse to furnish the tax assessor or deputy tax assessor, when called upon to do so by such tax assessor or deputy tax assessor, a sworn statement, showing:

1. A list of the names of all the shareholders of the stock of such national bank.

2. The number and amount of the shares owned and held by each shareholder of stock in such national bank.

3. The place of residence of each stockholder in such bank, if known. (If not known, that fact shall be so stated.)

4. The amount or amounts of notes issued by such national bank and circulating as money, or that is intended to circulate as money; (stating such amounts in dollars.)

5. The amount of money on hand or in transit, or in the hands of other banks, bankers, brokers or others, subject to draft, whether the same be in or out of the State.

6. The amount of indebtedness of such bank and how such indebtedness is evidenced.

7. The amount of paper evidencing indebtedness owned by such bank, which was acquired by such bank either at par or at a discount.

Any such president, vice-president, or cashier of a "national bank" so failing or refusing to furnish such statement, as above required, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, and by confinement in jail not less than ten days, nor more than thirty days.

SEC. 2. By the term money and notes, mentioned in the preceding article, is meant all money owned and on hand by such bank, whether on deposit or otherwise.

SEC. 3. The fact that a large portion of the assets of national banks is not being rendered for taxation creates an emergency and an imperative necessity that the constitutional rule requiring bills of be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, May 11, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House by a two-thirds vote, yeas 89, nays 2.]

S. B. No. 354.]

CHAPTER 113.

An Act to validate the incorporation and to declare valid the acts of towns and villages heretofore regularly incorporated for free school purposes, having within their limits towns incorporated for municipal purposes, which latter had ceased to exercise their functions as such, or which had not assumed control of the public schools within their limits, and to provide that such towns and villages incorporated for free school purposes shall have exclusive control of the public free schools within their limits, and to repeal all laws in conflict.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* All towns and villages within the State heretofore regularly incorporated for free school purposes, and which embrace within their incorporated territory towns heretofore incorporated for municipal purposes, which latter had ceased to exercise the functions of a municipal corporation, or which had not assumed control of the public schools within their limits when the former was incorporated, are hereby declared valid and lawful incorporations for free school purposes from the date of their incorporation, and all acts of any such town or village incorporated for free school purposes, heretofore done or hereafter to be done, shall have the same force and effect as the acts of a valid and lawful incorporation for such purpose.

SEC. 2. All such towns and villages shall have exclusive control of the public free schools within their limits.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. The near approach of the close of the session, and the fact that many incorporations for free school purposes are being questioned and endangered, to the injury of our free school system, create an imperative public necessity, demanding that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and also, such facts create an emergency requiring that the bill take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House by a two-thirds vote, yeas 93, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the thirtieth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 312.]

CHAPTER 114.

An Act to amend Article 397, Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas, relating to cities and towns, and the election of its officers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 397, Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 397. Whenever a vacancy occurs by resignation or otherwise in the municipal offices of any incorporated town or city in this State so that the vacancy can not be filled under the charter of said town or city or under the laws of this State now in force, then and in that event it shall be the duty of the commissioners' court of said county in which said town or city is situated, upon a petition of not less than 20 tax paying voters living in said city, to order an election to be held to fill such vacancy, giving notice of not less than ten days in the usual manner provided for such elections; provided, where such town or city has been chartered by special act of the legislature and such town or city contains more than 200 and less than 5000 inhabitants and the offices of such town or city have been vacant for a period of ten years or more, such charter of said town or city shall become void and forfeited, and no election of officers in such town or city shall be had; but the inhabitants of such town or city may reincorporate under the general laws of this State relating to towns and cities in the manner as now or may hereafter be prescribed by the laws of this State.

SEC. 2. The great amount of business before the legislature rendering it impossible that this bill can be read on three several days, and the near approach of the close of the session, and that there now exist in the State several towns and cities chartered by special acts of the legislature that have become dormant by reason of a failure to elect officers, and their special charters having been lost and copies thereof can not be had, there exists an imperative public necessity and emergency requiring that the constitutional rule that bills be read on three several days in each house be suspended and that this bill be passed and take effect from and after its passage.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 23, nays none; and passed the House by a two-thirds vote, yeas 95, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the thirtieth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 13.]

CHAPTER 115.

An Act to validate certain illegal sales of Public School, University and Asylum lands, sold under Section 22, Chapter 99, of the Acts of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all sales of Public School, University, and the several asylum lands which were sold as isolated and detached lands under Section 22, Chapter 99 of the acts of the Legislature of the State of Texas, of 1887, and amendments thereto, which were in fact not isolated and detached, as construed by the Supreme Court, where the original sales have not been cancelled and the lands resold, be and the same are in all things hereby legalized and made valid in all cases where such sales would have been valid if the lands so sold had in fact been isolated and detached; provided, that when applications have been made for the purchase of any such lands, in advance of placing of the same on the market again, it shall not have the effect of a sale of such lands, nor of requiring the Commissioner of the General Land Office to award such lands to such applicants.

SEC. 2. The fact that a large number of sections of land, referred to in this act, have been sold, and the purchasers thereof are greatly embarrassed by reason of the illegality in such sales, and the State is suffering a loss of revenue thereby, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Approved, May 13th, 1897.

Takes effect 90 days after adjournment.

H. B. No. 79.]

CHAPTER 116.

An Act to prevent immoral publications, and to prevent the sale and distribution of such publications, making a violation thereof a felony, prescribing a penalty therefor, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Every person or persons who shall, within this State, engage in the business of editing, publishing, or disseminating any newspaper, pamphlet, magazine, or any printed paper, devoted mainly to the publication of scandals, whoring, lechery, assignations, intrigues between men and women, and immoral conduct of persons; or any person or persons who shall knowingly have in his or her possession for sale, or shall keep for sale, or distribute, or in any way assist in the sale, or shall gratuitously distribute, or give away, any such newspaper, pamphlet, magazine, or printed paper, in this State, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than five years.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, May 13, 1897.

Takes effect ninety days after adjournment.

S. B. No. 345.]

CHAPTER 117.

An Act to further amend Section 2 of an act entitled An act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend Chapter 67, Section 15, of the General Laws of Texas, approved April 9th, 1883, redistricting the State for Judicial purposes, and to amend Section 2 of Chapter 58, of the General Laws of Texas, approved March 27th, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21st, 1893, as amended by an act entitled An act to amend Section 2 of an act to be entitled An act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District and to amend Chapter 67, Section 15, of the General Laws of Texas, approved April 9th, 1883, redistricting the State for Judicial purposes, and to amend Section 2, Chapter 58, of the General Laws of Texas, approved March 27th, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act, passed at the present session of the Legislature, and to further regulate and fix the times of holding Courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 2 of the first above recited act, as amended by the second above recited act, be so further amended that the same shall hereafter read as follows:

Section 2. The Fortieth Judicial District shall be composed of the counties of Collin, Ellis, Kaufman and Rockwall, and the terms of the District Courts within and for said counties shall be held each year as follows:

Beginning in Kaufman County on the first Monday in September and lasting five weeks.

Beginning in Collin County on the sixth Monday after the first Monday in September and lasting six weeks.

Beginning in Rockwall County on the fourth Monday in November and lasting two weeks.

Beginning in Ellis County on the second Monday in December and lasting until the first Monday in February following, if the business requires.

Beginning in Kaufman County on the first Monday in February and lasting five weeks.

Beginning in Collin County on the sixth Monday after the first Monday in February and lasting six weeks.

Beginning in Rockwall County on the first Monday in May and lasting two weeks.

Beginning in Ellis County on the third Monday in May and may continue in session nine weeks; provided, that nothing herein contained shall in any manner affect any term of court which may be in session when this act takes effect.

SEC. 2. *Be it further enacted,* That all laws in conflict herewith be and the same are hereby repealed.

SEC. 3. The near approach of the end of this session of the Legislature and the fact that the time now fixed and limited by law for holding courts in some of the counties of the Fortieth Judicial District is insufficient for the transaction of the business of the courts in the counties affected by this act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act go into effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 22, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the fourth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 341.]

CHAPTER 118.

An Act to create a more efficient road system for Milam County, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on the public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner and training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Milam county shall be ex officio road commissioners of their respective districts, and under the direction of the commissioners' court shall have charge of all teams, tools, and machinery belonging to the county and placed in their hands by said county, and it shall be their duty under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners' court, and that they will account for all the money or property belonging to the county that may come into their possession.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty to adopt such system of working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or

system of working. Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade, or otherwise improve any road or bridge, by contract. In such case said court, if they deem it necessary, or the county judge, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. The said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine and cost for each day he may so labor. Such commissioners' court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and may provide a reward, not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, (which reward shall be taxed against such convict and worked out or paid by him as a part of the cost.) The commissioners may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, and guards for the safe and humane keeping of convicts. The commissioners' court may at a regular term allow to the officers such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer a greater amount than he is now or may hereafter be allowed by general laws; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item, and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court. It shall be the duty of the road overseer when he has finished work on his roads, to return to said commissioner all tools and machinery received from him and take up the receipt taken therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road overseer to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining, or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require of each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the general laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when called out, shall perform a good day's work; and if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner the road overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Milam county liable for road duty who shall, on or before the first day of February of each year, pay to the county treasurer the sum of three dollars, shall be exempt from all road duty for such year, beginning on the first day of February. The treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day he is summoned to work and one dollar and fifty cents for each day that he is summoned to furnish his team for road work shall be exempt from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to fur-

nish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or, having attended, shall fail to perform such good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof, fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners' court in February of each year, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled; and as soon thereafter as practicable, said commissioners' court shall appoint and commission road overseers for the succeeding year; and in the event of the death, refusal or inability to act on the part of any road overseer so appointed, the county commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners' court, either in term time or in vacation. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law, or by the commissioners' court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the commissioners' court can not agree upon the damage to be paid, the county may proceed to condemn the same in the manner that a railroad company may condemn land for right of way, and the same proceedings may be had and the same right shall exist to such party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view, but this section shall be cumulative thereof, and the commissioners' court of Milam county may act under such general law, or the provisions of this section, at their option in such case.

SEC. 13. Every owner of a farm or other land upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road and shall not be of greater height than eight feet, and any such owner who shall fail or neglect to trim such hedge, shall be notified in writing by the road overseer of that district to trim such hedge as herein required; and in such case if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time that he receives such notice, such fine to be paid into the county treasury and be placed to the credit of the road and bridge fund of said county. If any owner

of any farm shall fail or refuse, after being notified as herein required, to trim his hedge, as required by this act, then the road overseer, upon an order from the county commissioner of his precinct, shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 14. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to three dollars per day for the services actually performed; provided, that he shall not draw such pay for more than thirty-five days per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath the account is just, due and unpaid, and specifying the number of [days' work] actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road, or for other road service.

SEC. 15. This act shall be taken notice of by all courts, in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the county of Milam, except where otherwise provided herein.

SEC. 16. The fact that there is now no sufficient general road law in force in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the fourth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 216.]

CHAPTER 119.

An Act to amend Article 745 of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 745 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 745. Hereafter, any corporation for pecuniary profit, except as hereinafter provided, organized or created under the laws of any other State, or of any Territory of the United States, or of any municipality of such State or Territory, or of any foreign government, sovereignty or municipality, desiring to transact business in this State, or solicit business in this State, or establish a general or special office in this State, shall be and the same is hereby required to file with the secretary of state a duly certified copy of its articles of incorporation, and thereupon the secretary of state shall issue to such corporation a permit to transact business in this State. If such corporation is created for more than one purpose, the permit may be limited to one or more purposes; and such corporation on obtaining such permit shall have and enjoy all the rights and privileges conferred by the laws of this State on corporations organized under the laws of this State, and shall be authorized and empowered to hold, purchase, sell, mortgage, or otherwise convey such real estate and personal estate as the purposes of such corporation may require, and also, to take, hold and convey such other property, real, personal or mixed, as may be requisite for such corporation to acquire in order to obtain or secure the payment of any indebtedness or liability due, or which may become due, or belonging to the corporation; provided, that if such corporation so obtaining a permit to do business in this State, shall acquire any real estate under the powers herein conferred, it shall alienate all real property so acquired by it not necessary for the purposes of such corporation, within fifteen years from the time of acquisition; and provided, further, that such corporation shall alienate all real estate acquired by it for the purposes of such corporation, within fifteen years from the expiration of the time for which the permit is issued, or if such permit be renewed, or such corporation be otherwise authorized to carry on business in this State, then such corporation shall alienate such real estate within fifteen years after the expiration of the time for which such permit is extended, or it is so authorized to carry on business in this State; and provided, further, that if such corporation shall cease to carry on business in this State, that it shall alienate all such real estate so acquired by it, within fifteen years after the time it shall so cease to carry on business in this State.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the fourth day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitu-

tion, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 710.]

CHAPTER 120.

An Act to amend Articles 5243i, 5243j, and 5243k, of an act entitled, "An act to amend Articles 5243e, 5243i, 5243j and 5242k, of Chapter 9, Title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for a violation of this act," passed at the present session and approved April 30th, 1897.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Articles 5243i, 5243j, and 5243k, of an act entitled, "An act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and describe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for a violation of this act," passed at the present session and approved April 30th, 1897, be and the same is hereby amended so as hereafter to read as follows:

Article 5243i. Each and every private domestic corporation heretofore chartered under the laws of this State shall pay to the Secretary of State an annual franchise tax of ten dollars on or before the first day of May of each year; and every such corporation which shall be hereafter chartered under the laws of this State shall also pay to the Secretary of State an annual franchise tax of ten dollars, the tax for the first year to be paid at the time such charter is filed, and the Secretary of State shall not be required or permitted to file such charter until such tax is paid, and each succeeding tax shall be paid on or before the first day of May of each year thereafter; provided, that any such corporation having an authorized capital stock of over fifty thousand dollars and less than a hundred thousand dollars, shall pay an annual franchise tax of twenty dollars; and every such corporation having an authorized capital stock of one hundred thousand dollars and less than two hundred thousand dollars, shall pay an annual franchise tax of thirty dollars; and every such corporation having an authorized capital stock of two hundred thousand dollars or more shall pay an annual franchise tax of fifty dollars. Each and every foreign corporation heretofore authorized to do business in this State under the laws of this State shall, on or before the first day of May of each year, and each and every such corporation which shall hereafter be so authorized to do business in this State, shall, at the time so authorized, and on or before the first day of May of each year thereafter, pay to the Secretary of State the following franchise tax:

Every such corporation having an authorized capital stock of twenty-five thousand dollars or less, an annual franchise tax of twenty-five dollars; every such corporation having an authorized capital stock of more than twenty-five thousand dollars and not exceeding one hundred thousand dollars, an annual franchise tax of one hundred dollars; every such corporation having an authorized capital stock of over one hundred thousand dollars, an annual franchise tax of one hundred dollars, and in addition thereto an annual franchise tax of one dollar for every ten thousand dollars of authorized capital stock over and above one hundred thousand dollars and not exceeding one million dollars; and if such authorized capital stock exceeds one million dollars, then such corporation shall pay a still further additional tax of one dollar for every one hundred thousand dollars over and above one million dollars. Any corporation, either domestic or foreign, which shall fail to pay the tax provided for in this article at the time specified herein, shall, because of such failure, forfeit its right to do business in this State, which forfeiture shall be consummated, without judicial ascertainment, by the Secretary of State entering upon the margin of the ledger kept in his office relating to such corporations, the word, "Forfeited," giving the date of such forfeiture, and any corporation whose right to do business may be thus forfeited shall be denied the right to sue or defend in any of the courts of this State, and in any suit against such corporation on a cause of action arising before such forfeiture, no affirmative relief may be granted to such defendant corporation, unless its right to do business is revived as provided in Article 5243j of this act. All transportation companies now paying an annual income tax on their gross receipts in this State shall be exempted from the franchise tax above imposed.

Article 5243j. The Secretary of State shall on or before the 1st day of March of each year, notify all private domestic and foreign corporations subject to a franchise tax by any law of this State, by mailing to the postoffice named as the principal place of business of such corporation in its articles of incorporation, or to any other place of business of such corporation, addressed in its corporate name, a written or printed notice that such tax will be due at a date named therein, a record of the date of which mailing must be kept by said officer, and which mailing of such notice and the said record thereof shall constitute legal and sufficient notice for all the purposes of this act; and in thirty days after the 1st day of May of each year, said officer shall publish for ten consecutive days in some daily newspaper published in this State, a list of the corporations whose right to do business in this State has been forfeited for non-compliance with this act; provided, that any corporation which shall within six months after such publication pay the tax and (\$5) five dollars additional thereto, for each month or fractional part of a month which shall elapse after such forfeiture, shall be relieved from the forfeiture of its right to do business by reason of such failure, and when such tax and the said penalty are fully paid to the Secretary of State, it shall be the duty of said officer to revive and reinstate said right to do business by erasing or cancelling the word "Forfeited" from his ledger, and substituting therefor the word "Revived," giving the date of such revival; provided, further, that this chapter shall not be construed to repeal any law prescribing fees to be collected by the Secretary of State.

Article 5243k. Corporations organized for the purpose of religious

worship, or for providing places of burial, not for private profit, or corporations organized for the purpose of holding agricultural fairs and encouraging agricultural pursuits, or for strictly educational purposes, or for purely public charity, are exempted from the tax imposed by this act.

Every sleeping car company, palace car company, dining car company, doing business in this State, and every corporation, person, or association of persons, leasing or renting, owning, controlling or managing any dining or sleeping cars within this State, for the use of the public, and for which use any fare is charged, shall pay a tax of two and one-half per cent of their gross receipts, from all of their passenger travel originating in and ending in this State: this tax to be in addition to that now levied by law; but no occupation tax shall be levied on said companies by any county, city or town. Said tax herein provided for shall be paid to the State Treasurer, quarterly, for the use of the State; and every such company, association, person or corporation so owning, controlling or managing any such dining or sleeping car, shall quarterly report to the Comptroller of the State of Texas, under oath of the President, Treasurer, Superintendent, or some other officer of said corporation, or some agent thereof duly authorized, the amount received by them for the transportation of passengers between points in this State. Should any person, association of persons, the officers or agents of any such persons, association of persons, or corporation, herein named, fail to make the report provided in this act for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than sixty dollars (\$60.00), nor more than one hundred dollars (\$100.00); and each day after said thirty days have expired shall be deemed a separate offense; and in addition thereto, in the event of the failure of the officers or agents of any such company or corporation to make such report herein required, and pay said tax, for thirty days after the termination of any quarter of the year, each and every such company or corporation so failing, shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment is delayed, which forfeiture shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for herein, venue and jurisdiction are hereby conferred upon the courts of Travis County.

Nothing in this article shall be construed to repeal or in any way affect the provisions of Article 5243g of the Revised Statutes of the State of Texas.

SEC. 2. The fact that the close of this session is rapidly approaching, and the further fact that the State is greatly in need of revenue, and in order to remove any doubt of the proper construction of the articles hereby amended, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved, May 15, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 88, nays none; and passed the Senate by a two-thirds vote, yeas 26, nays none.]

H. B. No. 180.]

CHAPTER 121.

An Act to amend Article 5043, Revised Statutes of 1895, so as to exempt Maverick County, Texas, from the provisions of Title CII, Chapter 6, relating to the inspection of hides and animals.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5043, of the Revised Statutes, hereafter shall read as follows:

Article 5043. The Counties of Anderson, Austin, Angelina, Atascosa, Bell, Bowie, Brazos, Bastrop, Bosque, Burleson, Brazoria, Burnet, Caldwell, Camp, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Delta, Denton, Ellis, El Paso, Erath, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Fort Bend, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Hays, Henderson, Hill, Hood, Hunt, Hopkins, Houston, Jackson, De Witt, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Lampasas, Maverick, McLennan, Madison, Marion, Montgomery, Montague, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, Wise, Wood, Jack, Harris, Clay, Young, Limestone, Wheeler, Lavaca, Nueces, Bee, Refugio, San Patricio, Somervell, Matagorda, Waller, Karnes, Victoria, Milam, Live Oak, Williamson, Liberty, Wichita, Guadalupe, Gillespie, Baylor, Knox, Wilbarger, Archer, Hardeman, Childress, Hall, Collingsworth, Donley, Gray, Armstrong, Briscoe, Floyd, Randall, Kendall, Comal, Travis, Navarro, Brown, Coryell, Hamilton, Mills, Duval, Comanche, Bailey, Deaf Smith, Dallam, Oldham, Hartley, Hockley, Cochran, Wilson, Foard, Mason, Throckmorton, Menard, Uvalde, and Zavala, are hereby exempt from the operation of this act, and the provisions of the same shall in no wise relate or apply to the aforesaid counties: provided, that in those counties bordering on the line of the State, except those bordering on Red River and the Rio Grande, where there is a depot or place for the shipment of cattle, no inspector of hides and animals shall be elected, but one for each of such counties shall be appointed by the Governor, who shall hold office for two years, and until his successor shall be appointed; and said inspector so appointed to take the constitutional oath of office and give the bond now required of inspectors of hides and animals, and such inspector shall receive the same fees now allowed inspectors of hides and animals, and perform the same duties; provided, the inspector shall be in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, and Encinal; provided, that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided, further, that the counties of Limestone, Fayette, Lavaca, Gonzales, Colorado, Bell, Calhoun, Hays, Caldwell, Blanco, Llano, Kendall, Comal, Houston, Austin, Johnson, Hill, Ellis, Jackson, Victoria, De Witt, Freestone, Hamilton, Williamson, Milam, Live Oak, Harris, Bosque, Erath, Hood, Somervell, Liberty, Coryell, Lampasas, Mills, Wichita, Wilbarger, Hardeman, Gray, Armstrong, Briscoe, Floyd, Randall, Kendall, Fannin, Camp, Childress, Hall, Collingsworth, Donley, Delta, Franklin, Hopkins,

Hunt, Wilson, Navarro, Guadalupe, Gillespie, Baylor, Throckmorton, Wharton, and Knox shall be exempt from all laws regulating inspection of hides; and provided, further, that the provisions of this article and chapter shall in no wise relate or apply to the counties of Oldham, Hartley and Dallam; that all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 2. The great necessity for this law creates a great public necessity and emergency requiring that the constitutional rule requiring that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House; and passed the Senate with amendments; and being referred to a free conference committee, the report of said committee was adopted. Vote by number of yeas and nays, on passage of bill and on adoption of report, not given in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 575.]

CHAPTER 122.

An Act to establish a more efficient road system for Marion County.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That at the first annual meeting of the Commissioners' Court in February, the court of Marion County shall appoint, from among the citizens of the county, a county road superintendent of public roads, who shall possess a practical knowledge of draining, leveling, grading, sufficient to be able to lay out all necessary work to be done by the overseers of the roads, to the end that good public roads may be established in said county.

SEC. 2. It shall be the duty of said county superintendent, twenty days before the regular periods of working the public roads (as herein-after provided) of the county, to go over each road precinct of his county and carefully inspect the same, armed with such necessary implements, tools, levels, etc., as will enable him to properly lay out any and all work to be done, viz.: grading, draining, leveling, direction, length, depth and fall of drainage, elevation, and grading road bed. He shall provide himself with a blank book in which he shall record in a plain hand a description of all work necessary to be done, numbering the road precinct and plainly designating the places or points in said roads where the work is to be done, and said county road superintendent shall deliver to each road overseer a plainly written copy of the record of his memoranda of the work to be done, three days before the regular times of working the roads (Sundays excluded).

SEC. 3. And it shall be the duty of the overseers of the public roads

of the county to faithfully execute the work set forth and described in the copy of memoranda delivered to him by said county superintendent; and on failure upon the part of the overseer to execute the instructions so delivered to him, without reasonable cause shown, he shall be fined not less than ten nor more than twenty-five dollars for each offense, upon complaint of the county road superintendent or any citizen using the road on which said neglect or disregard of duty may occur, before the nearest justice of the peace to the road precinct where such failure to comply with said instructions may occur.

SEC. 4. The county road superintendent herein provided for shall at any and all times keep a strict supervision over all the public roads of his county, and shall have authority to call out the overseers or overseer by a three days notice at any time to build or repair any road or section of road that may need work or repairs; provided, that he shall not compel the overseers to work more than ten days in one year. And the said county road superintendent shall receive for his services as herein provided annually the sum now paid to the commissioners as road reviewers, and in addition such sum as the Commissioners' Court of the county may deem just, out of the road and bridge fund, not to exceed two hundred dollars, to be paid quarterly as other county officers are paid their ex officio, and he shall be required to give a bond with approved security to the county judge and his successors in office as the County Commissioners' Court may deem just and right for faithful discharge of duty.

SEC. 5. There shall be three road working periods in the year, of three days each, except the first, which shall be four days, beginning on the first Mondays of November, March, and July, of each year, or as soon thereafter as possible; provided, it shall be optionary with the overseer, with the consent of the superintendent as to the number of days that may be expended upon the road at any one of the above mentioned periods; the superintendent being responsible to the county for the conditions of the roads.

SEC. 6. It shall be the duty of the overseers of the public roads of the county in warning his hands, which shall be three days before the day designated to begin the work (Sundays excluded), to definitely designate the character and conditions of the tool or tools that each hand is required to bring upon the road, and if said hand shall disregard the requirement or order of the overseer or his lawful agent and shall bring upon the road another or inferior tool, one that he can not do a fair day's work with, the overseer shall not receive or accept such hand on the road, but shall proceed against him as the law directs as though said hand had not appeared upon the road at all, before the nearest justice of the peace; provided, the overseer may give to said hand one hour to comply with the order of the overseer when summoned to work the road. Overseers shall receive no substitute for able bodied men who are not able to do a full and satisfactory day's work, and a majority of the hands, by vote, may reject a substitute for cause or disability.

SEC. 7. The county shall furnish all teams, plows, and scrapers; provided, the overseers may make such deal with any of the hands as will be to the advantage of the county.

SEC. 8. It shall also be the duty of the county road superintendent as provided in this act to inspect all bridges in his county and report the condition of said bridges to the commissioners at any call or regular

meeting of same, and in said report he shall state the condition of the bridge or bridges with a statement of the work necessary to be done on the bridge or bridges and the probable cost of the same.

SEC. 9. And it is herein further provided, that at the first regular meeting of the County Commissioners' Court, after this act shall take effect and become a law, said court shall appoint the county road superintendent as provided for by this act, who shall hold his office and perform all duties made incumbent upon him by this act until the first regular meeting of said court in February, A. D. 1898, at which meeting of the court a regular road superintendent, as herein provided, shall be appointed. This act to take effect and become a law ninety days after its passage, and all laws and parts of laws in conflict with this act are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 616.]

CHAPTER 123.

An Act to create a more efficient road system for the County of Calhoun, State of Texas, and making County Commissioners of said county ex officio Road Commissioners, and prescribing their duties as such, and providing for their compensation as said Road Commissioners, and defining the powers and duties of said Commissioners, and providing for the appointment of road overseers, defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' and witnesses' fees, and providing for the working of delinquent poll tax payers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioners' Court of Calhoun County may appoint a road overseer for each commissioner's precinct in the county, or for each justice's precinct, who shall hold their offices for two years and until their successors are qualified.

SEC. 2. The overseers so appointed shall perform all duties required of overseers under the general laws of this State, and such other duties as may be required of them by the Commissioners' Court of said county, and shall receive such compensation as the Commissioners' Court may prescribe, not to exceed two dollars per day for the time actually engaged.

SEC. 3. Each overseer shall within twenty days after his appointment take the constitutional oath, and enter into a bond payable to the County Judge, in such sum as may be fixed by the Commissioners' Court, to be approved by the County Judge, conditioned that he will well and faithfully discharge all the duties incumbent upon him as such overseer; that he will promptly make all reports required of him by this act or by the Commissioners' Court, and that he will correctly disburse and account for all the funds that may come into his hands according to law and

orders of the Commissioners' Court, which bond shall not be void for want of form or void on the first recovery but may be sued upon until fully exhausted.

SEC. 4. The Commissioners' Court may for good cause, to be determined by themselves, at any time, remove an overseer, and in case of vacancy for any cause, may fill the same for the unexpired term.

SEC. 5. Each overseer shall take charge of all the tools, implements and supplies of any kind placed under his control by the Commissioners' Court and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for all such teams, tools, implements and supplies, and for the proper expenditure of all public moneys coming into his hands, and shall be liable for the loss, injury or destruction of all such tools, teams, implements and supplies if the result of his negligence, or for the wrongful or unauthorized expenditure of such money; and upon the expiration of his term or in case of his resignation or removal, he shall deliver all such money and property to his successor or to such person as the Commissioners' Court may direct.

SEC. 6. The overseer of each precinct shall subdivide his precinct into as many sections as may be necessary for convenience and shall require each person subject to road duty in his precinct, to work upon the roads in the particular section in which he resides, and in order to have all road work more promptly and vigorously prosecuted, the overseer may appoint sub-overseers in the several sections of his precinct, but the overseer himself shall exercise at all times a supervision over the different sections and sub-overseers, and shall plan and direct all work to be done, and may require the sub-overseer to warn all the road hands subject to duty of the time and place of working as is required by existing laws.

SEC. 7. The Commissioners' Court shall require all able bodied county convicts, not otherwise more profitably employed, to labor upon the public roads of the county under such regulations as it may prescribe, and each convict so employed shall receive credit, first, upon the fine, and, then, upon the costs, of fifty cents per day for each day he shall labor; provided, that no convict shall be required to labor on Sunday, but shall nevertheless have the same credit as if he had labored on that day.

SEC. 8. The Commissioners' Court may at any regular term, allow to the officers and witnesses in a convict case, where the convict has worked upon the roads, such portion of their lawful cost as it may determine, not to exceed in any case the following: County Judge, \$2.50; County Attorney, \$5.00, including commissions; County Clerk and Justice of the Peace, \$2.00; Sheriff and Constable, \$2.50; witnesses, twenty-five per cent of their legal fees; which allowances shall be paid out of the road and bridge fund, on the warrants of the County Judge, when the said fine and costs shall have been worked out by the convict as provided in this act. The Commissioners' Court may provide the necessary houses, prisons, food, clothing, bedding, medicines, medical attention and guards necessary for the safe keeping and humane treatment of such convicts, and may grant a reasonable commutation of time to a convict in consideration of faithful service and good behavior, such commutation in no case to exceed one-tenth of the entire time.

SEC. 9. The overseer may contract with any person subject to road duty in his precinct for the use of wagons and teams, and permit such person to discharge his road service in the hire of such wagon and team;

provided, he shall not allow more than two dollars per day for any wagon and team, or more than three dollars per day for wagon and team and driver.

SEC. 10. It shall be the duty of each overseer to see that all roads, bridges and culverts, and drains in his precinct are kept in good repair; to see that every person subject to road duty in his precinct performs the service for which he is liable under the law or that such service is in some way excused or commuted as provided by law; to see that all mile posts and guide boards at the forks of roads are kept continuously up and in order, and when the same are removed or defaced to immediately repair or replace them. He shall act as supervisor of roads in his precinct and perform all the duties as supervisor heretofore devolving upon the County Commissioners, and the County Commissioners of said county are hereby relieved from the duties prescribed by Article 4390a of the Revised Civil Statutes.

SEC. 11. Every able bodied male person between the ages of twenty-one and forty-five years resident in the county, except such persons as are exempt from road duty under the general laws of this State, shall be liable to labor on the public roads; provided, that any one so liable may discharge such liability, (1) by furnishing a substitute who is acceptable to the overseer. (2) By paying to the overseer the sum of one dollar for each day he may be summoned to work, or by paying four dollars at any time shall be discharged from all liability for the entire year, to end on December 31st of each year. (3) By presenting to the overseer the certificate of a reputable physician certifying that the party is permanently or temporarily incapacitated for such physical labor as is necessary for road service. (4) By substituting wagons and teams suitable and satisfactory to the road overseer as provided in Section 8 of this act.

SEC. 12. Every insolvent tax payer being a resident of the county who shall be indebted to the county on any unpaid county poll tax, and from whom the said poll tax can not be otherwise collected by law, shall be permitted to discharge the amount of such unpaid county poll tax, in labor upon the public roads of his precinct at the rate of one dollar per day. In order to enforce the provisions of this section the collector of taxes for the county shall be required on or before the second Monday in February of every year to furnish to the several overseers of the county the names of all the defaulting poll tax payers together with the amount of the county poll tax due and unpaid by each, for which ex officio service the collector shall be exempt from road duty; and it shall be the duty of the overseer whenever any such person shall have discharged his county poll tax as herein provided, to report the same to the tax collector, who shall credit the party on the tax roll, and report the same in his regular report to the Commissioners' Court; provided, that no fines and penalties shall be recovered of insolvent poll tax payers for the failure to work out their poll tax under the provisions of this act.

SEC. 13. Each road overseer shall make his report under oath to the Commissioners' Court every six months, giving an itemized statement of all moneys belonging to the road fund which he has received, from whom received, and for what, and what disposition he has made of the same, the condition of all roads, bridges, culverts and drains, the number and character of all mile posts and guide boards erected and where the same

are located, and such other information as the Commissioners' Court may require, and may accompany said report with such suggestions as may seem to him pertinent in regard to the public roads and the duties of that office.

SEC. 14. Any road overseer who shall wilfully or negligently fail or refuse to comply with any provision of this act, or to perform any lawful and reasonable order of the Commissioners' Court, or to discharge any duty imposed upon him by this act or by any other existing law of the State, not in conflict herewith, shall be deemed guilty of a misdemeanor, and on conviction thereof, in a court of competent jurisdiction, shall be punished by a fine of not less than ten nor more than one hundred dollars, such fine, when collected, to go into the road and bridge fund.

SEC. 15. Whenever it shall be necessary to occupy any private lands for the purpose of opening, widening, straightening, or draining any public road or any part thereof, if the owner of such land and the Commissioners' Court can not agree upon the amount of damage to be paid, the court may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had, and the same rights shall exist to each party as would exist if the proceedings were by a railroad company; except that the county shall in no case be required to give bond either for cost or on appeal.

SEC. 16. This act shall be cumulative of all general laws of the State on the subject of roads and bridges and employment of county convicts not in conflict herewith and not otherwise provided herein, such general laws shall apply, but in case of conflict with general laws this act shall govern, and the courts of the State shall take judicial cognizance of this act in the same manner and to the same extent as they are required to know and notice the general laws of the State.

SEC. 17. The fact that there is no efficient road law in force in this State, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 22, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 592.]

CHAPTER 124.

An Act to amend Sec. 3 of Chapter 132 of the acts of the 24th Legislature establishing a special road law for the counties of Dallas and Lamar, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general law of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 3 of Chapter 132 of the Acts of the 24th Legislature establishing a special road law for the counties of Dallas and Lamar, be and the same is hereby so amended as to read hereafter as follows:

SEC. 2. The commissioners of said counties shall require all county convicts of said counties, not otherwise employed, to labor on the public roads under such regulations as said court may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine, first, and, then, on the cost, for each day he may labor. The commissioners may at a regular term allow to the officers such amount of their costs for the arrest and conviction of said convicts as is provided in Article 3742, Revised Civil Statutes of 1895, which amount shall be paid out of the road and bridge fund on the warrant of the commissioners, when said fine and costs shall have been worked out, as provided in this section; provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the general laws of the State. The Commissioners' Court may grant a reasonable commutation of time for which a convict is committed as a reward for good behavior and faithful service; provided, that such commutation shall in no case exceed one-tenth of the whole time. The Commisisoners' Court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, and guards, for the safe and humane treatment of convicts.

SEC. 3. That Section 14 of Chapter 132 of the Acts of said 24th Legislature be repealed.

SEC. 4. The importance of this bill to the two several counties, creates an emergency and public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 228.]

CHAPTER 125.

An Act to prevent the introduction of scab disease among sheep in the State of Texas, and to prevent the spread of and secure the eradication of same, and providing a manner of examining such animals, together with the manner of taxing and collecting costs therefor, and making it a misdemeanor to violate the provisions of this act, and prescribing penalties for such violation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That from and after the passage of this act, it shall be unlawful to import into this State, or to move from one county to another, or to move from their accustomed range on to lands owned or leased by any person, without permission of such person, any flock of sheep in which one or more such animals are infected with scab, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than two hundred dollars for each such offense.

SEC. 2. Any person having knowledge or notice of the existence of scab on any sheep owned or in charge of such person, who shall fail or refuse to dip in some preparation known to be effectual in curing scab, all flocks of sheep in which one or more such animals are so infected, within twenty days after such knowledge or notice has been received, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred nor more than two hundred dollars; Provided, that every successive twenty days of failure or refusal to dip such sheep, under the provisions of this section, shall be considered a separate offense.

SEC. 3. For the purpose of determining the existence of scab, under the provisions of this act, and to serve notice on persons as provided in Section 2, the justice of the peace having jurisdiction, upon complaint of any person owning or having charge of sheep, supported by affidavit, as to his belief that a flock of sheep within such jurisdiction are infected with scab, shall forthwith issue order to a constable or some peace officer of his county, directing such officer to summon to his aid two persons having knowledge of scab, and to proceed with such persons and examine the sheep so designated, and to notify in writing the owner or person in charge of said sheep, of the result of such examination, and to return to the court of issue such order, showing how he has executed the same.

SEC. 4. Any person refusing to permit the examination provided for in Section 3 of this act, or to place the sheep in pens for such purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by fine of not less than one hundred nor more than two hundred dollars.

SEC. 5. Upon return of the order provided for in Section 3 of this act, the Justice of the Peace shall, if it states said sheep are not infected, or that they have been dipped, within ten days next preceding such examination, dismiss such cause. But if such order states said sheep are infected with scab and have not been dipped within the ten preceding days, said Justice of the Peace shall issue warrant of arrest forthwith, against the owner or person having said sheep in charge, and proceed as in other misdemeanor cases; provided, should defendant show, by competent testimony, that such infected sheep were held only on his own

or accustomed range, and that he had dipped all flocks so infected, as provided in this act, within twenty days after receiving notice, or within ten days next preceding the serving of such notice, he shall upon payment of all accrued costs be discharged.

SEC. 6. The constable or other peace officer and the person summoned to assist, shall receive as compensation for services performed under the provisions of this act, and for attendance at court as witnesses in such cases, the sum of two dollars and fifty cents per day for each day actually and necessarily so engaged, and such fees shall be taxed as costs against the owner of such sheep; and execution shall be issued; provided, in all cases where it is found such sheep are not infected or have been dipped within the ten days next preceding the examination so made, the costs and fees shall be taxed against the person who made the complaint, and execution shall so issue.

SEC. 7. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 8. The fact that there is now no adequate law upon this subject creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 88, nays 3; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 456.]

CHAPTER 126.

An Act to amend Subdivision 13, Article 22, Title 4, of the Revised Civil Statutes of Texas, changing and fixing the times of holding courts in the Thirteenth Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 13, Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

In the county of Limestone, begin on the first Monday in January, and on the last Monday in July, and may continue in session six weeks each term.

In the county of Freestone on the sixth Monday after the first Monday in January, and on the sixth Monday after the last Monday in July, and may continue in session four weeks each term.

In the county of Navarro, on the tenth Monday after the first Monday in January, and may continue in session nine weeks, and begin on the first Monday in June, and may continue in session six weeks, and

begin on the tenth Monday after the last Monday in July, and may continue in session nine weeks.

SEC. 2. That all writs and process returnable to the said courts, shall be returnable to the terms of the said courts as herein fixed; and all such writs and process as have been issued, executed and returned, shall be valid as if no change had been made in the time of holding said courts.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and this act shall take effect on and after the first day of August, 1897.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 591.]

CHAPTER 127.

An Act to restore and confer upon the County Court of Lampasas County the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the district court of said county to such change, to fix the time for holding court, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Lampasas county shall hereafter have exclusive original jurisdiction in civil cases wherein the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the amount in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

SEC. 2. Said county court shall have appellate jurisdiction in civil cases over which justices' courts have original jurisdiction, when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of interest, and said county court shall have power to hear and determine cases brought up from justices' courts by certiorari, under the provisions of the title of the Revised Statutes relating thereto.

SEC. 3. The county judge of said county shall have authority, either in term time or in vacation, to grant writs of injunction, sequestration, mandamus, garnishment, attachment, certiorari, supersedeas, and all writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or judge thereof.

SEC. 4. That said court shall have and exercise the general jurisdic-

tion of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as provided by general law, and to issue all writs necessary for the enforcement of its jurisdiction, orders and decrees.

SEC. 5. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which said court has original or appellate jurisdiction.

SEC. 6. Said county court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and misdemeanors in which the highest penalty that may be imposed by the law is a fine without imprisonment that does not exceed two hundred dollars; and said court shall have concurrent jurisdiction, with trial de novo, in criminal cases in which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 7. The district court of said county shall no longer have jurisdiction of misdemeanors, except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases of which the county court of said county by provisions of this act has original or appellate jurisdiction.

SEC. 8. It shall be the duty of the district clerk of said county, within thirty days after this act shall take effect, to make full and complete transcripts of all orders on the criminal and civil dockets then pending before the district court of said county, of which cases, by the provisions of this act, original and appellate jurisdiction is given to the said county court, and to deliver said transcript, together with the original papers in each case, to the county clerk of said county, and the said county clerk shall file the same, and enter said cases on the respective dockets for trial by said court.

SEC. 9. The said county court shall also have the power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over moneys collected under the process of said court, or other defalcations of duty in connection with such process, and shall have power to punish by fine not exceeding one hundred dollars and by imprisonment in the county jail not exceeding three days, any person guilty of contempt of said court, and all other powers and jurisdiction conferred on county courts by the Constitution and general laws of this State.

SEC. 10. The terms of said court shall commence on the second Monday in January, and on the second Monday in April, and on the second Monday in July, and on the second Monday in October of each year, and shall continue in session for each term until the business may be disposed of; provided, that the county commissioners' court of said county may hereafter change the terms of said court whenever it may be deemed necessary.

SEC. 11. All laws and parts of laws in conflict with this act be and the same are hereby expressly repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 463.]

CHAPTER 128.

An Act to amend Article 802, of Chapter 3, of Title XVII, of the Penal Code of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That article 802, of chapter 3, of title XVII, of the Penal Code of this State be so amended as to hereafter read as follows, viz.:

Article 802. If any person shall herd any drove of horses, mules, cattle, sheep, goats or hogs, numbering more than five head, upon any land not his own, and within one-half mile of the residence of any citizen of this State, whenever the owner, lessee or legal representative of such land shall forbid such herding, and shall fail, neglect or refuse to remove such drove at once upon the request of such owner, lessee or legal representative; or whenever any person shall herd any such drove of horses, mules, cattle, sheep, goats or hogs upon the enclosed lands or pasture of another, or cause the same to be so herded without the consent of such owner, lessee or legal representative, he shall be fined in any sum not exceeding one hundred dollars; "provided, that this article shall not apply to droves which are driven through pastures, by the usual route of travel through such pastures, in the most direct and practicable route to any named point of destination, travelling at the greatest practicable speed," and where there is no public road leading to the point of destination; and provided, further, that no person shall be authorized, under the provisions of this act, to drive any drove or herd of stock of any kind into any inclosure belonging to another, for the purpose of grazing or holding such drove or herd of stock for any length of time whatever, without the consent of the owner, lessee, or person in charge of such inclosure. This act shall not apply to herds or droves of stock while being held for shipment; provided, that the owner or agent of such stock shall pay the owner of the premises so herded upon, reasonable pasturage and all damages done by said stock.

SEC. 2. The fact that no law exists in this State giving adequate protection to pasture owners against the depredations of vagrant herds, creates an imperative public necessity and an emergency why the rule requiring bills to be read on three several days should be suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the House in which it originated

with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. S. B. No. 63.]

CHAPTER 129.

An Act to repeal Articles 4218d and 4218i, Chapter 12a, Title 87, of the Revised Civil Statutes of the State of Texas, and to add to said chapter Articles 4218ff and 4218ff, and to amend Articles 4218e, 4218f, 4218h, 4218s, and 4218y of said chapter and title, relating to the sale and lease of public free school and asylum lands.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 4218d and 4218i, Chapter 12a, Title 87, of the Revised Civil Statutes of the State of Texas, be and the same are hereby repealed, and that Articles 4218ff and 4218ff be added thereto, and Articles 4218e, 4218f, 4218h, 4218s, and 4218y of said chapter and title be amended so as to hereafter read as follows:

Article 4218e. The commissioner of the general land office may, from time to time, as the public interest may require, classify any or all of the lands belonging to the several funds mentioned in this chapter that have not been heretofore classified, upon such facts as may be satisfactory to him, designating the same as agricultural, grazing or timbered land, according to the fact in the particular case; and he may prescribe such regulations in relation thereto as he may deem necessary to secure a correct classification. He may also reclassify any lands heretofore erroneously classified, upon the official certificate of the commissioners' court of the county in which said land is situated, or of the county to which such county is attached for judicial purposes, certifying what the proper classification should be, said certificate to be signed by the entire commissioners' court, including the county judge, or upon such other evidence as may be satisfactory to the commissioner.

Article 4218f. When any portion of said land has been classified to the satisfaction of the commissioner of the general land office, under the provisions of this chapter or former laws, such land shall be subject to sale, but to actual settlers only, except where otherwise provided by law, and in quantities of not less than eighty acres or multiples thereof, nor more than four sections containing six hundred and forty acres, more or less; provided, that the purchaser shall not include in his purchase more than two sections of agricultural land; and provided, that where there is a fraction less than eighty acres of any section left unsold, such fraction may be sold. Any bona fide purchaser who has heretofore purchased or who may hereafter purchase any lands as provided herein shall have the right to purchase other lands in addition thereto; provided, that the total of his purchases shall not exceed four sections, and that it shall not include more than two sections of agricultural land, upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. And if he or his ven-

dor has already resided upon his home section for three years, or when he or his vendor, or both together, shall have resided upon it for three years, the additional lands purchased may be patented at any time. In all cases where a settler purchases more than one section the lands in excess of one section so purchased must be situated within a radius of five miles of the land occupied by him. Where any of the lands referred to in this act have been sold prior to July 30th, 1895, in quantities greater or less than forty acres or multiples thereof, and are in good standing as to interest payments, they may be patented in such quantities. In any cases where lands have been forfeited to the State for the non-payment of interest, the purchasers or their vendees may have their claims reinstated on their written request, by paying into the treasury the full amount of interest due on such claim up to the date of reinstatement; provided, that no rights of third persons may have intervened. In all such cases the original obligations and penalties shall thereby become as binding as if no forfeiture had ever occurred.

Article 4218ff. When any purchaser buys and settles upon a section or part of a section of school lands, and buys, either at the same time or subsequently, other lands in addition thereto, a forfeiture for any legal cause of the part on which he resides, at any time before the three years residence thereon has been completed, shall work a forfeiture of the entire purchase, except such part thereof as he may have previously sold to another. But after the three years residence has been completed, a forfeiture of the home tract shall not of itself work a forfeiture of the other tract or tracts. In case of sale of any of said tracts before the three years residence has been completed, the vendee must reside thereon until he has completed the three years occupancy from the date of the original purchase, and a failure to do so shall subject his land to forfeiture; but in case of sale of any of said tracts after the completion of the three years residence, the vendee shall be exempt from the condition of settlement and occupancy.

Article 4218fff. Any actual, bona fide owner of and resident upon any other lands contiguous to said lands, or within a radius of five miles thereof, may also buy any of the aforesaid lands, but in such case a failure to reside upon either his other lands or upon a part of the additional lands so purchased by him, so as to make his ownership and occupancy thereof continuous for three years, shall work a forfeiture of such additional lands so bought from the State, unless he shall have sold his land to another who may and does complete a three years continuous ownership and occupancy of and residence upon his said lands as above stated and as is herein required of actual settlers.

Article 4218h. All agricultural lands belonging to the public free school and the several asylum funds shall be sold at not less than one dollar and fifty cents per acre; and all grazing lands shall be sold at not less than one dollar per acre; and all timbered lands shall be sold at not less than five dollars per acre. By timbered lands is meant lands valuable chiefly for the timber thereon. Provided, that the owner of land which is in fact agricultural, purchased under former laws, and which land is not subject to forfeiture at the time this law goes into effect, shall not be permitted, in case said land is forfeited, to purchase said forfeited land from the State for a less price per acre than the contract price under the former sale.

Article 4218s. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this chapter, shall make application in writing to the commissioner of the general land office, specifying and describing the particular lands he desires to lease, and thereupon, the commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, shall notify the applicant in writing that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said land for such time as may be agreed upon, and when satisfied that the lessee has paid to the treasurer of the State the rent for one year in advance, shall deliver said lease to the clerk of the county court of the county in which the land is situated or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book, to be kept in his office, open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease, and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon the payment of said fee, the clerk shall deliver the lease to the lessee; and no other record of leases hereafter made shall be required, except said memorandum.

All lease contracts heretofore made and not recorded, shall be filed for record with the clerk of the proper county, within three months after this act takes effect, and if any lessee shall fail to have his unrecorded lease so filed for record within said time, the Commissioner of the General Land Office shall disregard said lease, and award the land to any other applicant accompanying his application with the certificate of the clerk that no lease of said land is of record in his office. When any of such leases are filed for record, the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made, as well as to those hereafter to be made. Any section or part of a section which may be leased, shall not be sold, nor shall the lessee be disturbed in his possession thereof during the term of his lease, in the following cases:

1. When the lessee has actually settled upon such section, or part of a section, and erected thereon his residence and substantial improvements for permanent settlement.
2. When he has placed on such section or part of a section improvements of the value of two hundred dollars.
3. When the aggregate of the land owned by a settler and leased by him does not exceed one section.

Any lands which may be leased south and west of the line herein designated shall not be sold during the term of the lease until otherwise provided by law; provided, the sections leased by any one party are not so selected as to detach sections which are thereby left unleased. Said line begins at the northwest corner of Yoakum County; thence East, to the northeast corner of Kent County; thence South, to the north line of Fisher County; thence West, to the northeast corner of Scurry County; thence South, to the north line of Coke County; thence East, to the

northwest corner of Runnels County; thence South, to the southwest corner of Runnels County; thence East, to the northwest corner of Concho County; thence South, to the southwest corner of Concho County; thence East, to the southeast corner of Concho County; thence South, to the southwest corner of McCulloch County; thence East, to the southeast corner of McCulloch County; thence South, to the southwest corner of San Saba County; thence East, to the northwest corner of Llano County; thence South, to the southeast corner of Mason County; thence West, to the northwest corner of Gillespie County; thence South, to the southwest corner of Gillespie County; thence East, to the northeast corner of Kerr county; thence South, to the southeast corner of Bandera County; thence West, to the northeast corner of Uvalde County; thence South, to the southwest corner of Medina County; thence East, to the northeast corner of Frio County; thence South, to the northeast corner of La Salle County; thence East, to the northeast corner of McMullen County; thence South, to the southeast corner of McMullen County; thence East, to the Nueces river; thence down said stream to its mouth: Except in that portion of the State South and West of the above delineated line, any actual settler shall have the right to lease within a radius of five miles of the land occupied by him, not exceeding three sections of the land held by a lease holder who is leasing more than ten sections from the State, but shall not be allowed thereby to reduce the large leasehold to less than ten sections. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of lease, the lessee shall have a pro rata credit upon his next year's rent, or the money refunded to him by the treasurer, as he may elect. On the expiration of his lease, or its termination under any provision of law, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises. No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's inclosure more than one head of horses, mules or cattle, or in lieu thereof four head of sheep or goats, for every ten acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act, which restrict the number of stock which may be turned loose in such inclosure, shall be an offense, and the offender, on conviction, shall be punished by a fine of one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense.

Article 4218y. The Commissioner of the General Land Office may withhold from lease any agricultural lands necessary for the purpose of settlement, and no agricultural lands shall be leased, if, in the judgment of the Commissioner, they may be in immediate demand for settlement, but such lands shall be held for settlement, and sold to actual settlers only, under the provisions of this chapter; and all sections and fractions of sections, in all counties organized prior to the first day of January, 1875, except El Paso, Presidio and Pecos Counties, which sections are isolated and detached from other public lands, may be sold to any purchaser, except to a corporation, without actual settlement, at one dollar per acre, upon the same terms as other public lands are sold under the provisions of this chapter.

SEC. 2. The fact that the existing law makes no provision for a re-

classification of lands which have been erroneously classified, thus working great injustice in many cases, and that the opinion has been given out from the attorney general's office that no lands are subject to sale during the term of the lease, thus preventing settlement, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 17, nays 6; passed the House with amendments by a two-thirds vote, yeas 104, nays none, and being referred to a free conference committee, the report of said committee was adopted, vote by number of yeas and nays not given in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 351.]

CHAPTER 130.

An Act to amend articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to the creation of corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, be and the same are hereby amended so that hereafter they shall read as follows:

Article 641. Private corporations may be created by the voluntary association of three or more persons for the purposes and in the manner hereinafter mentioned.

Article 642. The purposes for which private corporations may be formed are:

- (1) The support of public worship.
- (2) The support of any benevolent, charitable, educational or missionary undertaking.
- (3) The support of any literary and scientific undertaking; the maintenance of a library or promotion of painting, music and other fine arts.
- (3a) For the establishment and maintenance of oil companies, with authority to contract for the lease and purchase of the right to prospect for, develop, and use, coal and other minerals, and petroleum: also, the right to erect, build, and own, all necessary oil tanks, cars, and pipes, necessary for the operation of the business of the same.
- (4) The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
- (5) The maintenance of a public or private cemetery or crematory.
- (6) The construction and maintenance of any species of roads and bridges in connection therewith.

(7) The construction and maintenance of a bridge which may be used for any or all modes of travel and transportation.

(8) The construction and maintenance of a telegraph and telephone line.

(9) The establishment and maintenance of a ferry.

(10) The establishment and maintenance of a line of stages.

(11) Building and navigation of steamboats and vessels and the carriage of persons and property therein.

(12) The supply of water to the public.

(13) The manufacture and supply of gas, and the supply of light, heat, and electric motor power, or either of them, to the public, by any means.

(14) The transaction of any manufacturing or mining business, and the purchase and sale of such goods, wares and merchandise used for such business.

(15) The transaction of a printing or publishing business, and in connection therewith, the sale of goods, wares and merchandise of a stationery and blank book manufacturing business.

(16) The establishment and maintenance of a hotel or steam laundry.

(17) The erection or repair of any building or improvement, and the accumulation and loaning of money for said purposes, and for the purchase, sale and subdivision of real property in towns, cities and villages and their suburbs not extending more than two miles beyond their limits; and for the accumulation and loaning of money for that purpose.

(18) The transportation of goods, wares and merchandise, or any valuable thing.

(19) The promotion of immigration.

(20) The construction and maintenance of sewers.

(21) For the constructing, acquiring and maintaining and operating street railways and suburban belt lines of railways within and near cities and towns, for the transportation of freight or passengers; which may, also, construct, own and operate union depots; but no street railway company shall ever be exempt from the payment of assessments that may be legally levied or charged against it for street improvements; and for the establishment of companies to buy, own, sell and convey the right of way upon which to construct railroads; provided, that all street or suburban railways engaged in transporting freight shall be subject to the control of the Railroad Commission.

(22) The erection and maintenance of market houses and market places.

(23) The construction, maintenance and operation of dams, reservoirs, lakes, wells, canals, flumes, laterals, and other necessary appurtenances for the purpose of irrigation, navigation, milling, mining, stock raising and city water works.

(24) The purchase and sale of goods, wares and merchandise, and agricultural and farm products.

(25) For the purpose of buying and selling goods, wares and merchandise of any description, by wholesale or wholesale and retail; provided, that no corporation created under this subdivision shall be chartered with a capital stock of less than twenty thousand dollars; and provided, further, that such wholesale and retail business shall not be conducted apart or in separate establishments.

(26) The construction of harbors and canals on the coast of the Gulf of Mexico.

(27) The growing, selling and purchasing of seeds, plants, trees, etc., for agricultural, horticultural and ornamental purposes, and to purchase and lease all lands necessary for that purpose.

(28) The construction or purchase and maintenance of mills, gins, cotton compresses, grain elevators, wharves, and public warehouses for the storage of products and commodities, and the purchase, sale and storage of products and commodities by grain elevators and public warehouse companies, and the loan of money by such elevators or public warehouse companies.

(29) The accumulation and loan of money; but these subdivisions shall not permit incorporations with banking or discounting privileges.

(30) The construction and maintenance of stock yards and pens.

(31) The construction and maintenance of establishments for slaughtering, refrigerating, canning, curing, and packing meat, and loaning or advancing money by such establishments on any class of live stock.

(32) The construction and maintenance of establishments for the preserving and canning of fruits, vegetables and fish.

(33) The establishment and maintenance of clearing houses.

(34) To construct and maintain water power.

(35) For the purpose of constructing railroads and bridges for railroad companies.

(36) To support and maintain bicycle clubs, and other innocent sports.

(37) To act as trustee, assignee, executor, administrator, guardian or receiver, when designated by any person, corporation or court so to do, and to do a general fiduciary and depository business; to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations; also on any bond or bonds that may be required to be filed in any judicial proceeding; to act as executor and testamentary guardian, when designated as such by decedents; or to act as administrator or guardian when appointed by any court having jurisdiction; provided, that when any executor's, administrator's or guardian's bond, or any bond required to be filed in any judicial proceeding, may be signed as surety by any corporation organized by authority of this section, and if such corporation shall be deemed and considered by the officer charged by law with the duty of accepting and approving such bond as sufficient security for the amount of such bond, such bond may be accepted and approved by the officer charged by law with the duty of accepting and approving the same without being signed by other sureties than such corporation, and any statute or law to the contrary, or requiring any such bond to be signed by two or more good and sufficient sureties, shall be governed and controlled by the provisions of this section; provided, that nothing herein shall be construed to permit any corporation to go upon any bond of any State or county official in this State; provided, that each corporation organized under this section, shall publish in some newspaper of general circulation in the county where such company is organized, on the first day of February of each year, a statement of its condition on the

previous thirty-first day of December, showing under oath its assets and liabilities, and that a copy of this statement be filed with the commissioner of insurance, statistics and history, and a fee of twenty-five dollars is paid to that officer for filing the same, and that an examination of its affairs be made at any time by the commissioner of insurance, statistics and history, such examination to be at the expense of the company; provided, that guaranty and fidelity companies organized under the provisions of this section shall have a paid up capital stock of not less than one hundred thousand dollars, and shall keep on deposit with the State Treasurer money, bonds, or other securities, in an amount not less than fifty thousand dollars, said securities to be approved by the commissioner of agriculture, insurance, statistics and history, and that this amount be kept intact at all times.

(38) For establishing transportation companies, with power to buy, construct, lease, own, operate, maintain and convey all kinds of steamships, vessels and other water crafts, and may navigate the same between all parts of the globe, and upon rivers, and construct, buy, lease, own, maintain, operate and convey warehouses, docks and wharves, and to buy lease, receive, own, hold, and enjoy real and personal property necessary in the transaction of its business; to receive, purchase, hold, use and convey such rights, privileges, franchises and property, and to exercise beyond the jurisdiction of this State such power as may be granted to or conferred upon it by any foreign government, State or municipality; to have officers and agents, and to maintain offices at all points at which the company may do business; to act as principal or agent in buying or selling merchandise in all foreign countries; to carry passengers, freight, express and mail.

(39) The establishment of land companies to buy, own, sell and convey real estate in any State or foreign country; but such company shall only own such real estate in this State as may be necessary for its office.

(40) Any person or association of persons for the purpose of making, compiling and owning an abstract of titles to lands and liens of all character on any property, or any other abstract of records of this State or any county thereof, required by law to be recorded.

(41) The improvement of rivers and other waterways in this State, and to render the same navigable for steam vessels and other water crafts, with the authority to charge and collect tolls for the navigation of such rivers and waterways.

(42) For the protection and preservation and propagation of fish, oysters, and game.

(43) For the organization and maintenance of volunteer fire companies.

(44) For the protection of women and children and for the prevention of cruelty to animals.

(45) For erection and maintenance of sanitariums.

(46) For the organization of fire, marine, life, and live stock insurance companies.

(47) To construct steam and electric plows for breaking, cultivating and draining of lands.

(48) For the organization of laborers, workingmen, wage earners and farmers to protect themselves in their various pursuits.

(49) For the promoting and taking stock in manufacturing companies or corporations.

(50) For the organization of mutual fire, or storm or lightning insurance companies without an authorized capital; provided, that the members of said mutual fire insurance companies applying for such charters shall be resident citizens of the State of Texas, which fact shall be proven by the affidavit of a credible person accompanying the articles of incorporation when filed with the secretary of state, and such affidavit shall state that the person making the same is cognizant of the facts therein stated; provided, further, that no permit to transact business within this State shall be granted to any mutual fire, or storm or lightning insurance company without an authorized capital, incorporated under the laws of any other State.

(51) The raising, buying and selling of live stock.

(52) The establishment and carrying on of dairies and creamery companies.

(53) The construction, maintenance and operation of terminal railway companies, said companies to have no right to charge other railroads for terminal facilities beyond what may be prescribed by the railroad commission.

(54) To build, maintain and operate a line of railroad to mines, gins, quarries, manufacturing plants, breweries and mills, and to condemn land necessary for the right of way for such road, from and between such mine, gin, quarry, manufacturing plant or mill, and the nearest line of railroad. But no corporation created under the provisions of this section shall have the power to condemn private property until said corporation shall declare itself a public highway and common carrier, thus placing said road under the control of the railroad commission of this State.

(55) To excavate, maintain and operate drainage ditches, canals, and flumes, and to condemn land necessary for the right of way and machinery plants for such drainage ditches, canals and flumes.

(56) The stockholders of all private corporations created for profit and with an authorized capital stock under the provisions of this chapter shall be required to subscribe at least fifty per cent and pay in at least ten per cent of its authorized capital before it shall be authorized to do business in this State, and whenever the stockholders of any such company shall furnish satisfactory evidence to the Secretary of State that at least fifty per cent of its authorized capital has been subscribed, and ten per cent paid in, it shall be the duty of said officer to receive, file and record the charter of such company in the office of the Secretary of State upon application and the payment of all fees therefor, and to give his certificate showing the record of said charter, and authority to do business thereunder; provided, that foreign corporations obtaining permits to do business in this State shall show to the satisfaction of the Secretary of State that fifty per cent of their authorized capital stock has been subscribed, and that at least ten per cent of the authorized capital has been paid in, before such permit is issued.

SEC. 2. The near approach of the close of the present session of the legislature and the large number of bills now upon the calendar of each house, create an emergency, and an imperative public necessity exists,

that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 528.]

CHAPTER 131.

An Act to amend Articles 579, 580, 586 and 615, Title XVIII, Chapter 2, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 579, 580, 586 and 615, Title XVIII, Chapter 2, of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 579. When a town or village may contain more than 500 and less than 10,000 inhabitants, it may be incorporated as a town or village in the manner prescribed in this chapter.

Article 580. If the inhabitants of such town or village desire to be so incorporated, at least twenty residents thereof, who would be qualified voters under the provisions of this chapter, shall file an application for that purpose in the office of the judge of the county court of the county in which the town or village is situated, stating the boundaries of the proposed town or village, and the name by which it is to be known if it be incorporated, and accompany the same with a plat of the proposed town or village, and including therein no territory except that which is intended to be used for strictly town purposes; provided, that if any town or village be situated on both sides of a line dividing two counties, application may be made to the judge of the county court of either county in which a portion of said town or village is located, in manner and form as is hereinbefore provided; provided, further, that in towns and villages that may be incorporated on territory in two counties, in the trial of the offense before the mayor or recorder for a violation of the laws of the State or the ordinances of the corporation, an appeal shall be to the county court of the county in which the offense may have been committed, and in cases which said mayor or recorder have not final jurisdiction, but when sitting as an examining court, parties brought before them on such examining court charged with an offense against the laws of the State, shall be bound over by them to the county court of the county in which said offense is alleged to have been committed, or the district court, as the case may be, and provided, that a new election shall not be ordered in less than one year.

Article 586. The county judge shall, within twenty days after the receipt of the returns, make an entry upon the records of the commissioner's court, that the inhabitants of the town or village are incorpo-

rated within the boundaries thereof, which shall also be designated in the entry, and a certified copy of such entry, together with the plat of the town or village, shall thereupon be recorded in the proper record of deeds of such county.

Article 615. When twenty-five of the qualified voters of any incorporated town or village shall desire the abolishment of such corporation, they may petition the county judge to that effect, who shall thereupon order an election to be held in such town or village, as in the case of its incorporation, and if there be a majority of the voters of said corporation, voting at such election in favor of abolishing such corporation, the county judge shall declare the corporation abolished, and enter an order to that effect upon the minutes of the commissioners' court; and from and after the date of such order the said corporation shall cease to exist; provided, nothing in this act shall be so construed as to repeal or otherwise affect any laws now upon the statutes of this State providing for the incorporation of towns and villages for school purposes; said towns and villages having not less than 200 inhabitants.

SEC. 2. The near approach of the close of the present session of the legislature, and the fact that there is now no law in Texas providing for the abolition of town and village corporations by a majority of the voters therein, creates an imperative public necessity that the rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a vote of yeas 76, nays 17; and passed the Senate by a two-thirds vote, yeas 24, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 442.]

CHAPTER 132.

An Act to amend Article 4908, Title CI, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article 4908, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 4908. There shall be elected, at each general election, by the qualified voters of each justice's precinct, a constable for such precinct, who shall hold his office for the term of two years, and until his successor is elected and qualified; provided, that when in any such justice's precinct there may be a city of eight thousand or more inhabitants, such constable may appoint no more than two deputies, who shall qualify as required of deputy sheriffs.

SEC. 2. Be it further provided, that in cities and towns of twenty-five hundred (2500) or more inhabitants, said constable may appoint no

more than one deputy, who shall qualify in such manner as is required by law.

SEC. 3. That the near approach of the close of this session, and large amount of business remaining to be disposed of before the final adjournment, creates an imperative public necessity and emergency which authorize the suspension of the rule requiring bills to be read on three several days; and such rule is hereby suspended, and the same take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 86, nays none; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Saturday, the eighth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 713.]

CHAPTER 133.

An Act to appropriate the sum of fifteen thousand dollars, or so much thereof as may be necessary, to pay the per diem of members, officers and employees of the Twenty-fifth Legislature of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the per diem pay of the members, officers and employees of the Twenty-fifth Legislature of the State of Texas.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. The fact that the sum heretofore appropriated for this purpose has now been completely exhausted, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Approved, May 20, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 89, nays 5; and passed the Senate by a two-thirds vote, yeas 24, nays 2.]

S. B. No. 79.]

CHAPTER 134.

An Act to amend Article 2640, of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2640 of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 2640. When the guardian loans the money he shall take the note of the borrower, the same to be secured by mortgage with power of sale on unincumbered real estate situated in this State, worth at least double the amount of such note and interest, or on collateral notes secured by vendors' lien notes, as collateral, or may purchase vendors' lien notes; provided, that at least one-half has been paid on the land for which said notes are given; and he shall not deliver such money until such note and security have been taken and approved by the county judge of the county in which the guardianship is pending, which approval shall be by an order of such judge entered upon the minutes of his court, either in term time or vacation; provided, nothing herein contained shall relieve the county judge from responsibility on his bond as now provided by law.

SEC. 2. The importance of the legislation proposed in this bill, and crowded condition of the calendar, and the near approach of the close of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 1; and having passed the House, with amendments, vote not given, the Senate concurred in the House amendments, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the tenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 292.]

CHAPTER 135.

An Act making it unlawful for any fire, or fire marine, or marine insurance company, which is legally licensed to transact the business of fire and marine insurance in this State, to place or cause to be placed, to write or cause to be written, any contract or policy of insurance against loss by fire or the perils of the sea on any property in this State, except through legally authorized and licensed agents resident in the State, and prescribing penalties for violation of same, and to further prescribe conditions to be complied with by any fire, or fire and marine, or marine insurance company, before it shall be licensed or relicensed by the Commissioner to do business in this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all fire, or fire and marine, or marine insurance companies which are legally authorized to do business in this State through legally commissioned and licensed agents, resident in this State, shall not make contracts of fire or marine insurance on property within the borders of this State, or sign or countersign or deliver any policy of insurance, save through regularly commissioned and licensed local agents of such companies in Texas; provided, however, that this act shall not apply to property owned by railroad companies or other common carriers; and provided, further, that upon oath made in writing by any person that he can not procure insurance on property through such local agents in Texas, it shall be lawful for any insurance company not having an agent in Texas to insure property of any person upon application of said person upon his filing said oath with the county clerk of the county in which such person resides.

SEC. 2. That before a certificate or license to any fire, or fire and marine, or marine insurance company is issued, authorizing it to transact the business of fire or marine insurance in this State, the insurance commissioner shall require, in every case, in addition to the other requirements already made and provided for by law, that each and every such fire, or fire and marine, or marine insurance company shall file with him an affidavit that it has not violated any of the provisions of this act.

SEC. 3. That whenever the insurance commissioner in his judgment has good reason to believe any fire, or fire and marine, or marine insurance company has violated any of the provisions of this act, he is authorized, and it is hereby made his duty, at the expense of such company, to examine at the head office, located within the United States of America, all books, records and papers of such company, and also any officers thereof, under oath, as to such violation or violations.

SEC. 4. That any fire, or fire and marine, or marine insurance company violating any provision of this act shall forfeit the right to do business in this State for the unexpired term for which it was originally licensed, and for twelve months next following thereafter; and the insurance commissioner shall immediately revoke the license already issued to any such company to do business in this State, and publish notice of such revocation as required by law.

SEC. 5. The fact that the practice of some companies in writing business through other channels than through the medium of their duly appointed local agents in this State not only deprives the local agents of the commissions but withholds the tax required by law to be paid on the gross premium receipts to the State, creates a public necessity and an

emergency which requires this act to take effect immediately, and the rules requiring bills to be read on three several days should be suspended, and are hereby suspended, and this act shall take effect and be in force from and after its passage.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 23, nays none; and having passed the House with amendments, vote not given, the Senate concurred in the House amendments, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the tenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 267.]

CHAPTER 136.

An Act to amend Article 1706, of the Revised Civil Statutes of the State of Texas, regulating the place of holding elections in cities and towns.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1706, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 1706. In each city having more than ten thousand inhabitants according to the last preceding census of the United States, each ward shall constitute an election precinct; provided, that the commissioners' courts of the several counties may and it shall be their duty to divide any such ward into as many election precincts as they may deem proper; and provided, further, that cities, towns, and villages having ten thousand inhabitants or less, shall not necessarily constitute a separate election precinct, except in elections pertaining solely to the affairs of said city, town or village.

SEC. 2. The near approach of the close of the present session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the tenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 580.]

CHAPTER 137.

An Act to prescribe the time of holding the terms of the District Court in the 24th Judicial District of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* the terms of the district court of the 24th judicial district of Texas shall hereafter be held in the several counties therein as follows, viz.:

In the county of Bee, on the second Monday in February and the first Monday in September, and may continue in session three weeks.

In the county of Karnes, on the third Monday after the second Monday in February, and the first Monday in September, and may continue in session three weeks.

In the county of Goliad, on the sixth Monday after the second Monday in February, and the first Monday in September, and may continue in session three weeks.

In the county of Refugio, on the ninth Monday after the second Monday in February, and the first Monday in September, and may continue in session one week.

In the county of Calhoun, on the tenth Monday after the second Monday in February, and the first Monday in September, and may continue in session one week.

In the county of Victoria, on the eleventh Monday after the second Monday in February, and the first Monday in September, and may continue in session four weeks.

In the county of De Witt, on the fifteenth Monday after the second Monday in February, and the first Monday in September, and may continue in session until the business is disposed of.

SEC. 2. That all process and writs issued or served before this act goes into effect, returnable to the district courts in said judicial district, shall be considered returnable to said courts in accordance with the terms as prescribed by this act, and all such process is hereby legalized; and all grand and petit juries drawn and selected under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next terms of the district court held in said counties, respectively, after this act takes effect, and all such process is hereby legalized and validated.

SEC. 3. The importance of the passage of this act to the people of the various counties of the said judicial district, the crowded condition of the calendars of each house, and the near approach of the close of the present session of the legislature, create an imperative public necessity and emergency requiring that the constitutional rule that bills be read on three several days in each house be suspended, and the said rule is therefore suspended, and this bill is put upon its third reading and final passage, and it is so enacted.

Approved, May 22, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 86, nays none; and passed the Senate by a two-thirds vote, yeas 24, nays none.]

S. B. No. 95.]

CHAPTER 138.

An Act to amend Article 976, Chapter 8, Title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the supreme court.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 976, Chapter 8, Title 27, of the Revised Civil Statutes of Texas, be amended so as to hereafter read as follows:

Article 976. The judgment of said court shall be final at the expiration of fifteen days from the rendition thereof, when no motion for rehearing has been filed, and upon the rendition of final judgment the clerk of the supreme court upon payment of costs shall issue the mandate in the case; provided, that if the party against whom the said costs are adjudged shall make affidavit of his inability to pay the same or give security therefor, he may apply to the supreme court for an order to require the clerk of said court to issue the said mandate, which motion shall be sustained unless the clerk of the court or any party to the record shall controvert the truth of said affidavit and satisfy the court that said motion should not be granted.

If for any cause the said court should set aside its judgment after the mandate has been issued, the clerk of the supreme court shall at once notify the party to whom the mandate was directed to return it at once. All mandates to the said court shall issue to the court in which the original judgment was rendered.

SEC. 2. The fact that there is no provision under the existing law for the issuance of mandates from the supreme court except upon the payment of costs, works a great hardship upon many deserving but destitute litigants, and many mandates are now held in the supreme court owing to the pecuniary distress and inability of the parties who are required to pay for them before they can issue, and in order to make effective the principle that pervades our system of law, that the courts shall be, at all times, open to the redress of grievances, to the poor as well as to the rich, create an emergency, and a public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage.

Approved, May 22, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House by a vote of yeas 78, nays 8.]

Takes effect 90 days after adjournment.

H. B. No. 700.]

CHAPTER 139.

An Act to fix the time for holding the courts in the Forty-Sixth Judicial District, and to repeal all laws in conflict therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* the District Court shall be held in the counties composing the Forty-sixth Judicial District each year, as follows:

In the County of Wilbarger, on the first Mondays in February and September, and may continue in session four weeks.

In the County of Hardeman, on the fourth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the County of Foard, on the seventh Mondays after the first Mondays in February and September, and may continue in session one week.

In the County of Collingsworth, on the eighth Mondays after the first Mondays in February and September, and may continue in session one week.

In the County of Childress, on the eleventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the County of Hall, on the thirteenth Mondays after the first Mondays in February and September, and may continue in session two weeks, or until all the business is disposed of.

SEC. 2. That all process issued or served before this act goes into effect, returnable to the District Courts in said Judicial District, shall be returnable to said courts as fixed by the terms of this act; and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the District Court of the respective counties held after this act takes effect, and all appearance bonds and recognizances taken in and for said courts shall bind the parties therein obligated to appear at the next term of such court held under this act.

SEC. 3. That all laws in conflict with this act be and the same are hereby repealed.

Approved, May 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 704.]

CHAPTER 140.

An Act to place Comal County in the Twenty-Second Judicial District, and to fix the time for holding court in the counties of said District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* paragraph Twenty-two of Article 22 of Title Four of the Revised Statutes of 1895, of the State of Texas, shall be so amended as hereafter to read as follows:

The Twenty-second Judicial District shall be composed of the coun-

ties of Austin, Fayette, Caldwell, Hays, and Comal; and the District Courts shall be held therein annually, as follows:

In the County of Comal, on the fourth Monday in January, and the third Monday in August, and may continue in session three weeks.

In the County of Hays, on the seventh Monday after the first Monday in January, and the sixth Monday after the first Monday in August, and may continue in session four weeks.

In the County of Caldwell, on the eleventh Monday after the first Monday in January, and on the tenth Monday after the first Monday in August, and may continue in session four weeks.

In the County of Fayette, on the fifteenth Monday after the first Monday in January, and on the fourteenth Monday after the first Monday in August, and may continue in session eight weeks.

In the County of Austin, on the twenty-third Monday after the first Monday in January, and on the twenty-second Monday after the first Monday in August, and may continue in session four weeks.

SEC. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature, and the large number of bills now upon the calendar of each house, creates an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so enacted.

Approved, May 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 698.]

CHAPTER 141.

An Act to amend Article 22 of the Revised Statutes of 1895, so as to change the time of holding the terms of the District Courts in Gregg and Upshur Counties, and to extend the time of holding Court in Gregg County, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article 22 of the Revised Statutes of 1895, be amended so as to hereafter read as follows:

7. The Seventh Judicial District shall be composed of the counties of Upshur, Gregg, Smith, Van Zandt and Wood, and the District Courts therein shall be held as follows:

In the County of Smith, on the first Monday of February and September of each year, and may continue in session seven weeks.

In the County of Van Zandt, on the seventh Monday after the first Monday in February and September of each year, and may continue in session four weeks.

In the County of Wood, on the eleventh Monday after the first Monday in February and September of each year, and may continue in session three weeks.

In the County of Upshur, on the second Monday in January, and on the eighteenth Monday after the first Monday in February, and may continue in session three weeks.

In the County of Gregg, on the fourteenth Monday after the first Monday in September and February, and may continue in session four weeks.

SEC. 2. The near approach of the close of the session and the crowded condition of the dockets of the District Court of Gregg County, demanding an extension of the time of holding the District Court therein, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and this bill put upon its third reading and final passage, and it is so enacted.

Approved, May 22, 1897.

Takes effect 90 days after adjournment.

S. H. B. No. 603.]

CHAPTER 142.

An Act to amend Articles 5068, 5076, 5098 and 5130, Title CIV, Chapter 3, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 5068, 5076, 5098 and 5130, Title CIV, Chapter 3, of the Revised Civil Statutes of the State of Texas, be amended so as hereafter to read as follows:

Article 5068. All property, real and personal, except such as is required to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated, and all personal property subject to taxation and temporarily removed from the State or county, shall be listed and assessed in the county of the residence of the owner thereof, or in the county where the principal office of such owner is situated.

Article 5076. Such statement shall truly and distinctly set forth:

1. The name of the owner.
2. The abstract number.
3. The number of the survey.
4. The name of the original grantee and the certificate.
5. The number of acres and the value of the land.
6. The number of the lot or lots, the number of the block, and the name of the city or town, and the value of the lots.
7. The number of miles of railroad in the county, and the value of the railroads and appurtenances.
8. Number of miles of telegraph in the county, and the value of telegraph and appurtenances in the county.
9. Number and amount of land certificates, and value thereof.
10. Number of horses and mules, and the value thereof.
11. Number of cattle, and value thereof.
12. Number of jacks and jennets, and value thereof.
13. Number of sheep, and value thereof.
14. Number of goats, and value thereof.
15. Number of hogs and dogs, and value thereof.
16. Number of carriages, buggies, wagons, or bicycles, of whatever kind, and value thereof.
17. Number of sewing machines and knitting machines, and value thereof.

18. Number of clocks and watches, and value thereof.
19. Number of organs, melodeons, pianofortes, and all other musical instruments of whatever kind, and value thereof.
20. The value of household and kitchen furniture over and above the amount of two hundred and fifty dollars.
21. Office furniture, and the value thereof.
22. The value of gold and silver plate.
23. The value of diamonds and jewelry.
24. Every annuity or royalty, the description and value thereof.
25. Number of steamboats, sailing vessels, wharf boats, barge, or other water craft, and value thereof.
26. The value of goods, wares and merchandise of every description which such person is required to list as a merchant, on hand on the first day of January of each year.
27. Value of materials and manufactured articles which such person is required to list as a manufacturer.
28. Value of manufacturers' tools, implements and machinery other than boilers and engines, which shall be listed as such.
29. Number of steam engines, including boilers, and value thereof.
30. Amount of money, of bank, banker, broker or stock jobber.
31. Amount of moneys other than of bank, banker, broker or stock jobber.
32. Amount of credits other than bank, banker, broker, or stock jobber.
33. Amount and value of bonds and stocks other than United States bonds.
34. Amount and value of shares of capital stock companies and associations not incorporated by the laws of this State.
35. Value of all property of companies and corporations other than property hereinbefore enumerated.
36. Value of stock and furniture of saloons, hotels and eating houses.
37. Value of every billiard, pigeon hole, bagatelle, or other similar tables, together with the number thereof.
38. Every franchise, the description and value thereof.
39. Value of all other property not enumerated above; and all property enumerated in this article shall be taxable, whether in this State on the first day of January or temporarily removed therefrom.

Article 5098. The assessor of taxes shall also require each person rendering a list of taxable property to him for taxation under the assessment laws to subscribe to the following oath or affirmation, which shall be written or printed at the bottom of each inventory, to-wit: "I, (filling the blank with the name of the person subscribing), do solemnly swear (or affirm) that the above inventory rendered by me contains a full, true and complete list of all taxable property owned or held by me in my own name (or for others, as the case may be, naming the person or firm for whom he rendered the list) in this county, subject to taxation in this county, and personal property not in this county subject to taxation in this county by the laws of this State, on the first day of January, A. D. 18.. (filling the blank with the year), and that I have true answers made to all questions propounded to me touching the same, so help me God."

Article 5130. The assessor of taxes shall, on or before the first day

of August of each year for which the assessment is made, return his rolls or assessment books of the taxable property rendered to him or listed by him for that year, after they have been made in accordance with the provisions of this title, to the county board of equalization, verified by his affidavit, substantially on the following form:

THE STATE OF TEXAS, }
County. } I,, assessor of
 county, do solemnly swear that the rolls (or books) to which this is attached contain a correct and full list of the real and personal property subject to taxation in (fill the blank with the name of the county) county, so far as I have been able to ascertain the same; that I have sworn every person listing property to me in the county, or caused the same to be done in manner and form as provided by law, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is the true and correct valuation thereof as ascertained by law, and the footings of the several columns in said books and the tabular statement returned is correct, as I verily believe.

SEC. 2. Owing to the importance of this bill in securing additional revenues to the State, and the crowded condition of the docket, and the near approach of the close of the session, an emergency exists, and an imperative public necessity is created, requiring that the constitutional rule which requires bills to be read on three several days be suspended, and that this bill be placed upon its third reading and final passage.

Approved, May 22, 1897.

Takes effect 90 days after adjournment.

H. B. No. 601.] CHAPTER 143.

An Act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessment and collection of taxes in said county, and for the payment of the outstanding indebtedness of said county.

Whereas, the county of Loving as it now exists is in a disorganized condition, having no county officials resident within the limit of said county, and no taxes have been assessed and collected in said county for the years of 1895 and 1896, and a portion of the taxes assessed for the years of 1893 and 1894 remain uncollected, therefore

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That said county of Loving be and the same is hereby disorganized, and said county is hereby attached to the county of Reeves for judicial and other purposes, until such time as the said [county] shall resume an organized state.

SEC. 2. The County Commissioners' Court of Reeves County shall hereafter levy a sufficient annual tax, general and special, upon all property subject to taxation, situated in the County of Loving, to liquidate the indebtedness now existing against said county, which taxes shall be assessed and collected in the manner now provided by law for the assess-

ment and collection of taxes in the unorganized counties of this State; provided, also, that all taxes due the State of Texas and such as may be levied for county purposes as herein provided, upon all property situated in said county, for the present year, and for all previous years during which such taxes have not been paid, shall be assessed and collected by the officers charged by law with such duty, to the same effect as though Loving County had at all times been an [un]organized county attached to the said County of Reeves.

SEC. 3. The Assessor and Collector of Taxes, and the County Treasurer of said County of Reeves are each hereby required to execute bonds, in addition to those now given by them, in the sum of five thousand dollars each, for the faithful discharge of their respective duties under this act, which bonds shall be payable to the County Judge of Reeves County and be approved by the Commissioners' Court thereof, and shall be conditioned as required by law for like bonds to said Reeves County, reciting therein that the same are given for the use of Loving County; provided, that until bonds are given and approved, as herein required, said officers shall not assume to discharge the duties or be entitled to compensation for services rendered under this act; and provided, further, that all remedies upon and penalties for the breach or failure to give similar bonds under the laws of this State shall apply to said officers respectively.

SEC. 4. After giving bond as herein required, the said Assessor, Collector and Treasurer shall be held to the discharge of their duties under the law, and be entitled to receive compensation for their services by way of commissions, to the same effect and subject to the same limitations provided by law, as though said officers were acting for Loving County alone, and said officers shall make separate reports and settlements with the State, and with said Commissioners' Court, on account of Loving County, to the same effect as now required by law of each of them in the discharge of their duties as officers of Reeves County, and shall be liable to all penalties provided by law for failure to make such reports and settlements; provided, however, that the Treasurer of said Reeves County shall not be the custodian of moneys collected to pay the interest and sinking fund upon the bonded indebtedness of said Loving County, but shall be entitled to his lawful commissions thereon, nor shall he be required to give bond under this act, after all other debts known to exist against said county have been paid; and should any funds remain in his hands after payment of all known indebtedness against said county, he shall pay the same over to the State Treasurer, to be used in liquidating the bonded indebtedness of said county; and provided, further, that after all known debts against Loving County have been paid, outside of its bonded indebtedness, the amount of the additional bonds, to be given by the assessor, and collector of taxes, shall be fixed by the Commissioners' Court of said Reeves County, in any sum not less than double the amount of taxes to be collected upon said bonded indebtedness during the term of such official bonds.

SEC. 5. All moneys collected by the collector of taxes of Reeves County to pay interest and provide the sinking fund upon the bonded indebtedness of Loving County, shall be reported, accounted for, and paid to the Treasurer of the State of Texas in the same manner required by law upon taxes due the State, and such moneys shall be received and

paid out by the State Treasurer upon such bonded indebtedness, according to the terms thereof; provided, that the option retained to Loving County to pay said bonds before the maturity thereof may be exercised by the Commissioners' Court of Reeves County, and, with the consent of the holder or holders of any of said bonds, the same may be paid at any time, and provisions made therefor by the levy and collection of the full amount of special tax authorized by law for such purposes.

SEC. 6. That immediately upon the taking effect of this act, the funds now in the State Treasury, to the credit of said Loving County, held by the State and apportioned or belonging to said Loving County, shall be paid over to the treasurer of Reeves County, to be held by him for the payment of Loving County's indebtedness as herein provided.

SEC. 7. That the several officers of Reeves County who are the proper custodians of the several books, papers, accounts, or other property of Reeves County, shall likewise be the proper custodians of such books, papers, accounts, or other property of Loving County, and the commissioners of Reeves County are hereby authorized and empowered to take the proper steps for the removal of such valuable property to the county seat of Reeves County to be delivered to the proper custodians thereof, and shall take all necessary steps by suit in the name of Loving County to recover back to said county all lands and other property properly belonging to it, which may have been wrongfully converted or disposed of by any person assuming to act for said county or otherwise; and the expenses thereof to be paid out of the first general revenue funds collected from the territory embraced by Loving County; and certified copies of all such books, documents, papers, or other matter, including certified copies of deeds, mortgages, deeds of trust, or other muniments of title to real estate or to personal property, given under the hand and seal of the proper officer of Reeves County shall have all the force and effect, and be admissible in evidence, in the same manner, and as fully as if the same had been given by the proper officer of Loving County.

SEC. 8. That the county judge of Reeves County shall, immediately after this act goes into effect, publish in some newspaper published in Reeves County, if one be there published, and if not, then in some newspaper published in some adjoining county to Reeves County, a notice to all persons holding any claim or indebtedness against Loving County to present the same to the commissioners of Reeves County for approval or rejection, on or before the first day of December, 1897.

SEC. 9. That all parties now having any claims against or warrant or bond or indebtedness of Loving County shall on or before the first day of December, 1897, present the claim or indebtedness to the commissioners' court of Reeves County for rejection or approval, and the commissioners' court of Reeves County shall pass on all such claims, warrants, bonds, and indebtedness in the same manner and order as if they were the commissioners of Loving County, approving or rejecting the same in all respects as claims and debentures are now required to be presented for approval or rejection to commissioners' court.

SEC. 10. That whenever any claim or indebtedness above named shall have been rejected by the commissioners of Reeves County, the owners thereof may have all legal remedies in Reeves County, as fully as if the claim or indebtedness were against Reeves County, the judgment, order

or decree, to be against the assets of Loving County only, and to be paid by the proper funds realized upon the property of Loving County.

SEC. 11. That all existing indebtedness or claims against Loving County which have not been barred for more than two years after this act shall take effect, may be presented to the commissioners' court of Reeves County, on or before the first day of December, 1897, for a rejection or approval, and shall be passed upon by said commissioners' court in all respects as if presented at any time not earlier than two years prior to the time of presentation.

SEC. 12. That the commissioners' court of Reeves County, after the aforesaid claims have been filed with and approved by them as above provided, shall classify them as provided by law, and they shall levy a sufficient general and special tax, as hereinbefore named, not to exceed the limit allowed by law, for each year, to pay all the indebtedness of each class so registered and approved by them, including the expenses authorized by this act; and where legal bonds have been issued to create a sinking fund, keeping each class and the funds belonging to it separate and distinct from every other fund, and out of each fund to pay the claims against such fund only. Where claims filed with and approved by the commissioners' court of Loving County are also filed with and approved by the commissioners' court of Reeves County, they shall be paid in the order registered by and approved in Loving County; provided, they are filed on or before December the 1st, 1897; otherwise, they shall be paid in the order registered by and approved by the Reeves County commissioners.

SEC. 13. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 14. The fact that there can be no taxes assessed or collected, and no court either criminal or civil held in Loving County under the existing condition of affairs, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 86, nays 1; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the twelfth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

S. B. No. 158.]

CHAPTER 144.

An Act to amend Article 3328, Chapter 4, Title 66, of the Revised Statutes of the State of Texas, and Article 4651, Chapter 3, Title 96, of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts for the conditional sale, lease or hire of railroad equipment and rolling stock.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That article 3328, chapter 4, title 66, of the Revised Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Statutes of the State of Texas, be and the same are hereby amended so as to read as follows:

Article 3328. Every chattel mortgage, deed of trust, or other instrument of writing, intended to operate as a mortgage of or lien upon personal property, which shall not be accompanied by an immediate delivery and be followed by an actual and continued change of possession of the property mortgaged or pledged by such instrument, shall be absolutely void as against the creditors of the mortgagor or person making same, and as against subsequent purchasers and mortgagees or lien-holders in good faith, unless such instrument or a true copy thereof shall be forthwith deposited with and filed in the office of the county clerk of the county where the property shall then be situated, or if the mortgagor or person making the same be a resident of this State, then, of the county of which he shall at that time be a resident; provided, that written contracts for the conditional sale, lease or hire of railroad equipments and rolling stock, by which the purchase money is therein agreed to be paid at any time or times after the date of such contract, with a reservation of title or lien in the vendor, lessor or bailor until the same has been fully paid, shall be recorded in the office of the Secretary of State, in a book of records to be kept by him for that purpose; and on payment in full of the purchase money and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect may be made by the vendor, lessor or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be made by a separate instrument to be acknowledged by the lessor, vendor or bailor, or his or its assignee, and recorded as aforesaid, and for such services the Secretary of State shall be entitled to a fee of five dollars for recording each of said contracts and each of said declarations, and a fee of one dollar for entering such declaration on the margin of the record.

Article 4651. Every deed, mortgage, or other writing respecting the title of personal property hereafter executed, which by law, ought to be recorded, shall be recorded in the clerk's office of the county court of that county in which the property shall remain; and if afterwards the person claiming title under such deed, mortgage or other writing shall permit any other person in whose possession such property may be to remove with the same or any part thereof out of the county in which the same shall be recorded, and shall not, within four months after such removal, cause the same to be recorded in the county to which such property shall be removed, such deed, mortgage, or other writing, for so long as it shall not be recorded in such last mentioned county, and for so

much of the property aforesaid as shall have been removed, shall be void as to all creditors and purchasers thereof for valuable consideration without notice; provided, that written contracts for the conditional sale, lease, or hire of railroad rolling stock and equipments by which the purchase money is therein agreed to be paid at any time or times after the date of such contract, with a reservation of title or lien in the vendor, lessor or bailor until the same has been fully paid shall be recorded in the office of the Secretary of State in a book of records to be kept by him for that purpose, and on payment in full of the purchase money and the performance of the terms and conditions stipulated in any such contract a declaration in writing to that effect may be made by the vendor, lessor or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be made by a separate instrument to be acknowledged by the lessor, vendor, or bailor, or his or its assignee, and recorded as aforesaid, and for such services the Secretary of State shall be entitled to a fee of five dollars for recording each of said contracts, and each of said declarations, and a fee of one dollar for entering such declaration on the margin of the record.

SEC. 2. The fact that the existing chattel mortgage law in such cases is a great public inconvenience, that the close of the present session of the Legislature is drawing near, and that the crowded condition of the calendar in both houses renders it impossible that this bill can be reached in the regular order, create an emergency, and an imperative public necessity exists requiring that the constitutional rule that all bills should be read on three several days in each house be suspended, and it is so suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Tuesday, the eleventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—Jno. H. CULLOM, Acting Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 381.]

CHAPTER 145.

An Act to amend Article 1537, Chapter 2, Title 32, of the Revised Civil Statutes of Texas, adopted and established by the 24th Legislature, in regular session, 1895, relating to the powers and duties of commissioners' courts, authorized to audit, adjust and settle claims.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1537, of the Revised Civil Statutes of Texas, adopted and established by the Twenty-fourth Legislature, in regular session, 1895, be amended so as to hereafter read as follows:

Article 1537. The said courts shall have power and it shall be their duty:

1. To lay off their respective counties into precincts, not less than four nor more than eight, for the election of justices of the peace, and constables, and shall fix the times and places of holding the various jus-

trices' courts in their counties, and shall establish places in such precincts where elections shall be held; also, shall establish justices' precincts and justices' courts for unorganized counties, as provided by law.

2. To establish public ferries whenever the public interest may require.

3. To lay out and establish, change, and discontinue public roads and highways.

4. To build bridges and keep the same in repair.

5. To appoint road overseers and apportion hands.

6. To exercise general control and superintendence over all roads, highways, ferries and bridges in their counties.

7. To provide and keep in repair court houses, jails and all necessary public buildings.

8. To audit, adjust, and settle all accounts against the county and direct their payment, and to audit, adjust, and settle all accounts and claims in favor of the county.

9. To provide for the support of paupers, and such idiots and lunatics as can not be admitted into the lunatic asylum, residents of their counties, who are unable to support themselves.

10. To provide for the burial of paupers.

11. To punish contempt by fine, not to exceed \$25, or by imprisonment not to exceed twenty-four hours, and in case of fine the party may be held in custody until the fine is paid.

12. To issue all such notices, citations, writs and process as may be necessary for the proper execution of the powers and duties imposed upon such court, and to enforce its jurisdiction.

SEC. 2. The near approach of the close of the present session and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote; and passed the House by a vote of yeas 74, nays 27.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Monday, the seventeenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

S. B. No. 296.]

CHAPTER 146.

An Act to amend Chapter 14, Title 86, of the Revised Civil Statutes of 1895, by adding after Article 3993b, a new article to be numbered 3993c, providing for the organization of school districts in community counties, and validating such districts heretofore organized.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 14, of Title 86, of the Revised Statutes of 1895, be amended by adding after Article 3993b, a new article to be numbered 3993c, which shall read as follows:

Article 3993c. The citizens in any community or section of territory embraced in any community county may organize a school district in said community or section of territory, in the following manner: A petition asking for the organization of said district and giving the metes and bounds of the proposed district, shall be presented to the commissioners' court, and signed by a majority of the qualified voters of the proposed district, it shall adopt and enter on its record an order organizing said district, upon which said district shall acquire all the rights and become entitled to the privileges of districts in district counties, and the schools shall be conducted in the same manner; the intention of this article being to permit subdivisions of community counties to adopt the district system when the whole county does not wish to adopt it; provided, however, that no district shall be organized under this article containing exceeding thirty-six square miles of territory.

SEC. 2. Whereas, this section of the school law was inadvertently omitted from the Revised Statutes adopted by the 24th Legislature, and whereas, there are in existence numerous districts in community counties organized prior to and since the adoption of the Revised Statutes, be it enacted that districts heretofore organized in community counties are hereby in all respects validated.

SEC. 3. The near approach of the close of the session and the crowded condition of the calendar, and the fact that the districts mentioned in section 2 of this act are without legal protection, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and that this bill take effect and be in force from and after its passage, and it is hereby so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 22, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

S. B. No. 231.]

CHAPTER 147.

An Act to amend Chapter Two, Title XXXII, of the Revised Civil Statutes of the State of Texas, by adding thereto an additional article to be entitled "Article 1547d."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter Two, Title XXXII, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto an additional article to be entitled "Article 1547d," and to read as follows:

Article 1547d. That it shall be the duty of the commissioners' courts of counties owning bridges, situated within the corporate limits of cities and towns, to keep the same in repair in the same manner as they are required by law to keep such bridges as are not so situated within the

limits of a city or town; provided, that this act shall not be held to affect or diminish the liability of town and city corporations for injuries caused by the defective condition of such bridges situated within the city limits.

SEC. 2. The fact that there is no law requiring commissioners' courts to keep in repair bridges owned by counties within cities and towns, and the near approach of the close of the session, creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed both houses of the Legislature, but the vote is not given by number of yeas and nays in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

H. B. No. 651.]

CHAPTER 148.

An Act to prohibit the catching of fish, green turtle, loggerhead, terrapins or shrimps with seines, drag nets, fykes, set nets, gill nets, trammel nets, traps, dams, or weirs, in any of the bays or navigable waters of this State, within the limits, or within one mile of the limits of cities and towns, and to provide a penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That from and after the passage of this act it shall be unlawful for any person to catch, or attempt to catch, any fish, green turtle, loggerhead, terrapin, or shrimp, in any of the bays or navigable waters of this State, within the limits or within one mile of the limits of any city or town in this State, with seines, drag nets, fykes, set nets, trammel nets, traps, dams, or weirs.

SEC 2. Any one violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

SEC. 3. In all prosecutions under the provisions of this act, the identification of the boat from which such violation or violations occur shall be prima facie evidence against the owner, lessee, person or persons in charge, or master of such boat.

SEC. 4. The near approach of the end of the present session, the crowded condition of the calendar, and the fact that there is no law now in force in this State preventing the taking of fish by the means set out in this act within the limits of cities and towns within this State, creates an emergency, and an imperative public necessity exists for the suspen-

sion of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the nineteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—Jno. H. CULLOM, Acting Secretary of State.]

Takes effect 90 days after adjournment.

S. H. B. No. 221.]

CHAPTER 149.

An Act to preserve and protect the wild game, birds, and wild fowl, of the State, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all the wild deer, wild antelope, wild turkeys, wild ducks, wild geese and wild grouse, wild prairie chickens (pinnated grouse), wild Mongolian or English pheasants, wild quail or partridges, wild plover, snipe, and jack-snipe, found within the borders of this State, shall be and the same are hereby declared to be the property of the public.

SEC. 2. Whoever shall sell, or offer for sale, have in his possession for the purpose of sale, or whoever shall purchase or have in his possession after purchase, any wild deer or antelope killed in this State, or the carcass thereof, or the fresh hide thereof, or whoever shall sell or offer for sale, or have in his possession for the purpose of sale, or whoever shall purchase, or have in his possession after purchase, any of the game mentioned in Section 1 of this act, killed or taken within this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars; provided, that the sale and purchase of the game mentioned in Section 1 of this act shall not be unlawful when said sale or purchase is made in the county where such game was killed or taken; provided, that nothing herein contained shall be construed to prohibit the sale or shipment of wild ducks and wild geese.

SEC. 3. The netting of quail or partridges at any season of the year is hereby prohibited; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

SEC. 4. It shall be unlawful to destroy any wild geese or wild ducks by any means otherwise than by an ordinary gun, capable of being held to and shot from the shoulder, and whoever violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

SEC. 5. It shall be unlawful for any person to kill, take or destroy any wild Mongolian or English pheasants, or antelope, for the space of five years next after this act takes effect, and any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and upon con-

viction thereof shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 6. It shall be unlawful for any person to kill, ensnare, or trap, or in any way destroy any wild deer in the period of time embraced between the first day of January and the first day of September in each year, or any wild turkeys in the period of time embraced between the first day of April and the first day of September in each year, or any prairie chickens (pinnated grouse) in the period of time embraced between the first day of February and the first day of August in each year, or any quail or partridge within the period of time embraced between the fifteenth day of March and the first day of October in each year; and it shall be unlawful for any person, at any time, to hunt deer or other game by aid of what is commonly known as a hunting lamp or lantern, or any other light used for the purpose of hunting at night; and after the space of five years next after this act takes effect, it shall be unlawful for any person to kill, ensnare, or trap, or in any way destroy any wild antelope in the period of time embraced between the first day of January and the first day of September in each year, or any Mongolian or English pheasants in the period of time embraced between the first day of February and the first day of August in each year, and the violation of any provision of this section shall be considered a misdemeanor, and upon conviction thereof the person offending shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 7. It shall be unlawful for any express company, railroad company, or other common carrier, or the officers, agents, servants, or employees of the same, to receive for the purpose of transportation, or to transport, carry, or take beyond the limits of this State, or within this State, any animal, bird, or water fowl mentioned in Section 1 of this act; and it shall be unlawful for any person to transport, carry or take beyond the limits of this State any animal, bird, or fowl mentioned in Section 1 of this act; and whoever shall violate the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars; provided, that each shipment shall constitute a separate offense, and that such express company, railroad company, or other common carrier, or their agents, servants, or employees, shall have the privilege of examining any suspected package for the purpose of determining whether such package contains any of the articles mentioned in Section 1 of this act; but this act shall not apply to the shipment or transportation of live Mongolian or English pheasants shipped for scientific or breeding purposes; provided, that nothing herein contained shall be construed to prohibit the sale or shipment of wild ducks and wild geese.

SEC. 8. Possession at any season of the year during which the game birds and wild fowls of this State are protected by the laws hereof, shall be prima facie evidence of the guilt of the person in possession thereof.

SEC. 9. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 10. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of protecting the wild game, birds and wild fowl of the State, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days

in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, May 27, 1897.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 21, noes 5.]

H. B. No. 629.]

CHAPTER 150.

An Act to prevent the selling or trading of animals of the horse and mule species, known or suspected to be affected with glanders.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* If any person or persons shall trade or sell, or offer to trade or sell, any animal of the horse or ass species known or suspected to be affected with glanders, he shall be fined in any sum not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than ten days nor more than ninety days.

SEC. 2. The fact that many cases of glanders are now prevalent throughout the State, and the further fact that horse dealers are carrying such diseased animals from county to county, spreading this and kindred diseases throughout the State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage.

[NOTE.—The foregoing act passed the House by a vote of yeas 74, noes 26; and passed the Senate, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the nineteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

S. B. No. 281.]

CHAPTER 151.

An Act to authorize towns and villages incorporated under the provisions of Chapter eleven, Title eighteen, of the Revised Civil Statutes, or by special charter, to condemn the right of way over and across the roadbed and right of way of any railway company within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages; to define the duties of railroad companies when their roadbeds and rights of way are condemned for street purposes by such towns and villages, and to prescribe a penalty for violations thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any town or village in this State, incorporated under Chapter eleven, Title eighteen, of the Revised Civil Statutes, or by special charter, shall have the right, and they are hereby empowered to condemn the right of

way and roadbed of any railway company whose roadbed runs within the corporate limits of such towns or villages, when deemed necessary and so declared, by a majority vote of the board of aldermen, for the purpose of opening, widening or extending the streets of such town or village; provided, there is less than four railroad tracks.

. SEC. 2. Whenever the board of aldermen of any town or village, incorporated as aforesaid, shall have passed an ordinance or resolution to open, widen or extend a street to any point within its corporate limits, and such street is to be opened, widened or extended over or across any railroad bed and right of way, if such town or village, and the company over whose roadbed and right of way such street is to be opened, widened or extended, can not agree as to the damages to be paid said railway company for the right of way over and across their roadbed and right of way, it shall be the duty of the mayor of such town or village to state in writing the point on said railroad right of way where said street is desired to be opened, widened, or extended, giving the width and length of that portion of the right of way of the railroad sought to be condemned, and describing it so that it can be clearly identified, the object for which it is sought to be condemned, the name and style of the railway company, and file the same with the county judge of the county in which such town or village is situated. Upon the filing of such written statement with the county judge the same proceedings shall be had for the purpose of condemning the right of way for the street that are now required by law for the condemnation of right of way for the benefit of railroad companies.

SEC. 3. It shall be the duty of every railroad company in this State to place and keep that portion of its roadbed and right of way over or across which any public street of any incorporated town or village may run in proper condition for the use of the traveling public, and in case of its failure to do so for thirty days after written notice given to the section boss of the section where such work or repairs are needed, by the town marshal of such town or village, it shall be liable to a penalty of twenty-five dollars for each and every week such railroad may fail or neglect to comply with the requirements of this act, recoverable in any court having jurisdiction of the amount involved, in a suit in the name of such town or village.

SEC. 3e. County Commissioners shall have the right, upon petition of twenty freeholders of any community or unincorporated town or city, to condemn roadbed of railroads for same purpose.

SEC. 4. There being no law of this State authorizing towns and villages incorporated under Chapter eleven, Title eighteen, of the Revised Civil Statutes, to condemn the right of way for street purposes, and obstructions to public streets in such towns and villages by railroads being insurmountable, thereby causing much inconvenience to the public, an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is, therefore, so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas

for his approval, on Monday, the seventeenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.--Jno. H. CULLOM, Acting Secretary of State.]

S. B. No. 33.]

CHAPTER 152.

An Act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen, common laborers, and farm hands; to provide a lien, and prescribe the time of payments, and in lawful money of the United States; and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any clerk, accountant, bookkeeper, artisan, craftsman, factory operative, mill operative, servant, mechanic, quarryman, or common laborer, farm hand, male or female, may labor or perform any service in any office, store, saloon, hotel, shop, mine, quarry, manufactory, or mill of any character, or on any farm, under or by virtue of any contract or agreement, written or verbal, with any person, employer, firm, corporation, or his, her or their agent or agents, receiver or receivers, trustee or trustees, in order to secure the payment of the amount due by such contract or agreement, written or verbal, the hereinbefore mentioned employes shall have a first lien upon all products, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, chattels, or thing or things of value of whatsoever character that may be created in whole or in part by the labor of such persons or necessarily connected with the performance of such labor or service, which may be owned by or in the possession of the aforesaid employer, person, firm, corporation, or his, her or their agent or agents, receiver or receivers, trustee or trustees; provided, that the lien herein given to a farm hand shall be subordinate to the landlord's lien now provided by law.

SEC. 2. Whenever any person, employer, firm, corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, shall fail or refuse to make payments as hereinafter prescribed in this act, the said clerk, accountant, bookkeeper, farm hand, artisan, craftsman, operative, servant, mechanic, quarryman, or laborer, who shall have performed service of any character, shall make or have made duplicate accounts of such service, with amount due him or her for the same, and present or have presented, to aforesaid employer, person, firm or corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, one of the aforesaid duplicate accounts within thirty days after the said indebtedness shall have accrued. The other of the said duplicate accounts shall, within the time hereinbefore prescribed, be filed with the county clerk of the county in which said service was rendered, and shall be recorded by the county clerk in a book kept for that purpose. The party or parties presenting the aforesaid account shall make affidavit as to the correctness of the same. A compliance with the foregoing requirements in this section shall be necessary to fix and preserve the lien given under this act; and the liens of different persons shall take precedence in the order in which they are filed; provided, that all persons claiming the

benefit of this act shall have six months within which to bring suit to foreclose the aforesaid lien; and provided, further, that a substantial compliance with the provisions of this section shall be deemed sufficient diligence to fix and secure the lien hereinbefore given; provided, that any purchaser of such products from the owner thereof shall acquire a good title thereto, unless he has at the time of the purchase actual or constructive notice of the claim of such lien holder upon such products, said constructive notice to be given by record of such claim, as provided for in this act, or by suit filed.

SEC. 3. Under the operations of this act, all wages, if service is by agreement performed by the day or week, shall be due and payable weekly, or if by the month, shall be due and payable monthly. All payments to be made in lawful money of the United States.

SEC. 4. Any of the parties named in Section 1 of this act, may transfer or assign their rights hereunder, and their assignee or assignees shall have the same rights and privileges as are conferred upon such persons enumerated in Section 1.

SEC. 5. The lien created by this act shall cease to be operative after six months after the same is fixed, unless suit is brought within said time to enforce such lien.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; provided, that this act shall not be so construed as to repeal Chapter 2, of Title LXVI, of the Revised Civil Statutes of the State of Texas, relating to liens of mechanics, contractors, builders, and material men.

SEC. 8 [7]. It being important that the benefits of this act be realized at once, because the parties to be benefited by this act have no adequate protection under existing laws, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended.

Approved, May 27, 1897.

Takes effect 90 days after adjournment.

H. B. No. 696.]

CHAPTER 153.

An Act to prohibit the taking of fish from the fresh waters, lakes and streams of this State, otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any person shall at any time during the year take, catch, ensnare or entrap any fish, except minnows for bait, by means of nets, traps, poison or dynamite, or in any other manner than with the ordinary hook and line or trot line, in any of the fresh waters, lakes, and streams of this State, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, and not more than one hundred dollars; provided, that minnows for bait shall not be taken by poison or dynamite.

SEC. 2. It shall be unlawful for any person to sell, or offer to sell, or

ship, or offer to ship, any game fish, including white perch, trout, or bass, taken from any of the fresh waters, lakes and streams in this State, and whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars, and not more than one hundred dollars; provided, that the following counties be and they are hereby exempted from the operation of Section 2 of this act: Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Buchel, Burleson, Burnet, Caldwell, Callahan, Cameron, Carson, Cass, Castro, Chambers, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Encinal, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Foley, Ft. Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Greer, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Howard, Hunt, Hutchinson, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Loving, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Mills, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reeves, Refugio, Roberts, Rockwall, Runnells, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stevens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala; provided, further, that the counties of Bell, Hamilton, Coryell, Bosque and Lampasas, be exempted from the operation of Section 1 of this act, except during the months of February, March, April, May, and June; provided, further, that the counties of Delta, Hopkins, Franklin, Titus, Camp, and Red River be exempt from the provisions of this act.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. The near approach of the close of the present session of the legislature, and the crowded condition of the calendar, and the importance of protecting the game fish in this State, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote,

yeas 86, nays 1; and passed the Senate by a two-thirds vote, yeas 21, nays 6.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

H. B. No. 263.]

CHAPTER 154.

An Act to prohibit persons, firms or corporations engaged in running pool or billiard tables in a public place, or for profit, knowingly permitting minors in their places of business without the written consent of their parents or guardians, and to provide a penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person, firm, or corporation engaged in running any pool or billiard table or tables, in a public place, or for profit, or agent of such person, firm, or corporation, who shall knowingly permit any minor, without the written consent of such minor's parent or guardian, in such place of business, shall be fined not exceeding two hundred dollars.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the fourteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 264.]

CHAPTER 155.

An Act to prevent the barter, sale and gift of any pistol, dirk, dagger, slung shot, sword-cane, spear, or knuckles made of any metal or hard substance to any minor without the written consent of the parent or guardian of such minor, or of some one standing in lieu thereof, and providing a penalty for the violation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any person in this State shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor, any pistol, dirk, dagger, slung shot, sword-cane, spear, or knuckles made of any metal or hard substance, bowie knife or any other knife manufactured or sold for the purpose of offense or defense, without the written consent of the parent or guardian of such minor, or of some one standing in lieu thereof, he shall be punished by fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment. And during the time of such imprisonment such offender may be put to

work upon any public work in the county in which such offense is committed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the fourteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 391.]

CHAPTER 156.

An Act to relinquish the title and confirm the patents to certain lands herein named.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the land patents numbered three hundred and eighty-eight (388), five hundred and eighty-three (583) and five hundred and eighty-four (584), Vol. No. Four (4) (of the records of the general land office of the State of Texas), and issued to Thomas M. Joseph and Henry M. Truehart on the 20th day of December, A. D. 1859, and the 23rd day of August, A. D. 1860, covering certain lands in Galveston County, State of Texas, be, and the same are hereby confirmed, and that all right and title of the State of Texas to the lands therein named, be, and the same are hereby relinquished to the parties to whom the said patents were issued, and sale made in accordance with an act approved on the 20th day of February, A. D. 1858, and an act amendatory of the same, approved on the 1st day of February, A. D. 1860, as also by a special act of the legislature of the State of Texas, approved July 29th, A. D. 1870.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the twelfth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. S. B. No. 320.]

CHAPTER 157.

An Act to amend Title XXIII, Chapter 4, of the Revised Civil Statutes of the State of Texas, relating to county lines, by adding thereto Article 808a.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 4, Title XXIII, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto an Article to be known as 808a, which shall read as follows:

Article 808a. Notwithstanding the preceding articles of this chapter, any county in this State may bring suit against any adjoining coun-

ty or counties for the purpose of establishing the boundary line between them. Such suit shall be brought in the district court of the county in an adjoining judicial district whose boundaries are not affected by the suit, and whose county seat is nearest the county seat of the county suing. And said court shall try said cause as other causes and shall have full and complete jurisdiction to determine where such boundary line is located, and if necessary shall order the same to be remarked and resurveyed. And if in the trial of any such cause it shall be found that the boundary line between the counties involved has never been established and marked, or if marked has become indefinite and undefined, said court shall have power to re-establish the same and order it marked. And any boundary line so established by such judgment shall thereafter be regarded as the true boundary line between the counties in question; provided, that if it shall be found in any such cause that the boundary line in question has been heretofore established under the law then in force, the same shall be declared to be the true line and shall be resurveyed and established as such; and provided, further, that it shall be unlawful for the commissioner of the general land office to mark, fix or place on any of the maps in said office any contested county line at any definite point thereon until a certified copy of the final judgment of the court, herein provided, is filed in the general land office together with a certified copy of the field notes of the line so established by such judgment.

SEC. 2. The near approach of the adjourning of the legislature and the crowded condition of the calendar create an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its final passage and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 23, nays none; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 686.]

CHAPTER 158.

An Act to amend the law in regard to taxation, and to regulate the sale of liquor, by amending Article 5060a and Article 5060c, of Title 104, Chapter 1a, of the Revised Civil Statutes of Texas, and adding Article 5060j to said chapter.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 5060a and 5060c, of the Revised Civil Statutes of Texas, as described in the caption to this act, be amended so as to hereafter read as follows; and that Article 5060j be added to said chapter, to read as herein expressed:

Article 5060a. Hereafter there shall be collected from every person,

firm, corporation, or association of persons, selling spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in this State, not located in any county, subdivision of a county, justice precinct, city or town, where local option is in force under the laws of Texas, an annual tax of \$300 on each separate establishment, as follows: For selling such liquors or medicated bitters in quantities of one gallon or less than one gallon, \$300; for selling such liquors or medicated bitters in quantities of one gallon or more than one gallon, \$300; provided, that in selling one gallon the same may be made up of different liquors in unbroken packages aggregating not less than one gallon; for selling malt liquors exclusively, \$50. And there shall be collected from every person, firm, corporation, or association of persons, for every separate establishment selling such liquors or medicated bitters within this State and located within a county, subdivision of a county, justice precinct, town or city, in which local option is in force under the laws, the sum of \$200; provided, the same shall not be sold in such locality except on prescription and in compliance with the laws governing sales in such localities; provided, further, that nothing in this article shall be so construed as to exempt druggists who sell spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, on the prescription of a physician or otherwise in either locality as above set forth from the payment of the tax herein imposed; provided, further, that this article shall not apply to the sale by druggists of tinctures and drug compounds, in the preparation of which such liquors or medicated bitters are used and sold on the prescription of a physician or otherwise, and which tinctures and compounds are not intoxicating beverages prepared in the evasion of the provisions of this chapter nor the local option law.

Article 5060c. Every person, firm, corporation, or association of persons, desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in this State, as set forth in Article 5060a of this chapter, shall, before commencing the sale of such liquors or medicated bitters, file with the county clerk of the county in which he or they propose to sell the same, an application under oath, on forms provided by the Comptroller, and shall designate the place in which it is proposed to engage in the sale of such liquors or medicated bitters, if any city or town in which streets are named and houses numbered, the street and number of house shall be given, and the quantities in which he or they propose to sell, whether one gallon or more, or one gallon and less than a gallon, or whether they desire to sell malt liquors exclusively; provided, in localities where local option is in force not more than one quart shall be sold at one time to the same person; and shall also state in said application whether said liquors or medicated bitters are to be sold to be drunk on the premises, or to be sold on prescription in a local option county, subdivision of a county, justice precinct, town or city; and shall pay to the collector of taxes of the county in which such sales are to be made the full amount of the annual tax herein levied, and such as may be levied by the commissioners' court of such county and the city or town in which sales are to be made; and shall file with the said clerk a bond as required by Articles 5060g and 5060j of this chapter. In case the sales are to be made in a city or incorporated town, the taxes by such city or town shall be paid to the collector of taxes of such city or town. All taxes herein levied or which may be levied by

a county, city or town, shall be paid in advance, and upon the payment of same and full compliance herewith, the county clerk of the county shall issue to the person, firm, corporation, or association of persons, a license as provided for in Article 5060d of this chapter, which said license and licenses or receipts for the tax or revenues issued by the United States shall be posted by licensee in a conspicuous place in his or their place of business, and on failure to so post such license or receipt, he or they so failing shall be considered as having no license and subject to all the pains and penalties as if no such license had issued.

Article 5060j. Every person, firm, corporation, or association of persons, before engaging in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any county, subdivision of a county, justice precinct, town or city, in which local option is in force, shall enter into bond in the sum of \$2500, with at least two good and sufficient sureties, payable to the State of Texas, to be approved by the county judge of the county in which such sales are to be made, conditioned that said person, firm, corporation, or association of persons, so selling spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, shall not sell in any quantity, except on the prescription of a regular practicing physician, addressed to such person, firm, corporation, or association of persons, written with ink on white paper in the handwriting of such physician, dated, numbered, and signed by such physician, giving his and applicant's place of residence, and certifying on his honor, that he has in person carefully examined the applicant or patient, and that he finds him or her actually sick, giving the malady or disease with which he or she is suffering, as near as he can ascertain, and that he or she is in immediate need of an alcoholic stimulant, such as prescribed; and there shall not be sold more than one quart on any one prescription, which shall be sold at one time and in one package, and delivered to the purchaser at time of sale; and that he or they shall not permit the same to be drunk on the premises where sold, nor on any other premises owned or controlled by him or them; and that he or they shall not sell more than once on the same prescription, and shall not sell on any prescription bearing the same number of another prescription given by the same physician and dated during the same year; and that he or they shall not sell on a prescription bearing date more than three days prior to the date of its presentation nor upon the prescription of a physician not known to him or them to be a regular practicing physician, authorized under the laws of Texas to practice his profession, nor permit a minor to remain on his premises or his place of business, except the house or place of business of a regular pharmacist; and that he or they shall not permit any games prohibited by the laws of this State to be played, dealt, or exhibited in or about such house or place of business; and that he or they shall not rent or let any part of the house or place of business or premises in which or on which they are selling such liquors or medicated bitters, to any one, for the purpose of carrying on any business in violation of the local option laws or the penal laws of the State; and that he or they shall not adulterate the liquors or medicated bitters sold by him or them, nor knowingly sell or give away such adulterated liquors; and that he or they shall keep an open, orderly house, and shall not use any screen or other device for the purpose of or

which shall obstruct the view through the door or doors opening out on the street or alley; which said bond shall be filed in the office of the county clerk of the county where such business is carried on, and recorded by him in a book to be kept for that purpose; and for recording same he shall receive a fee of 75 cents. For every breach or violation of any of the provisions of said bond, the person, firm, corporation, or association of persons, and the sureties on said bond, shall be liable in damages to any person, firm, corporation, or association of persons, injured thereby. In addition to the proceedings by parties sustaining damages by the violation, it shall be the duty of the county and district attorneys to institute suit in the name of the State of Texas for each and every infraction or violation thereof, for the use and benefit of the county, and the sum of \$250 shall be recovered for each infraction, against the principal and sureties on said bond, as liquidated damages, which said sum shall be paid into the county treasury and become a part of the road fund of said county. Said bond shall not be void on the first recovery, but may be sued upon for each infraction thereof until the full penal sum named therein shall be exhausted. If said bond shall be exhausted or become in danger of being exhausted by suits, said person, firm, corporation, or association of persons, shall be required to execute another bond; notice of such requirement shall be given by the county judge of the county, and such parties shall have ten days after notice to comply, and upon failure to do so shall be subject to all the pains and penalties from the time such notice was given as if no bond had been given in the first instance. Provided, that in case the county judge shall fail to give the notice herein required, then any citizen of the county, over the age of twenty-one years, may do so, and in case of failure to execute another bond within the time required, as above set forth, said person may bring suit in the district court of the county to require such person, firm, corporation, or association of persons, to execute a new bond. Provided, further, that in case the sureties on such bond shall become insolvent, or found to be insolvent after the execution of such bond, it shall be the duty of the county judge of the county to require of them a new bond, the same as above set forth, and in case of his failure to do so, any citizen, as above set forth, may proceed in the district court aforesaid to compel them to execute such bond, and in case the insolvency of said sureties or either of them is established, which shall be done under the rules of evidence governing other like cases, or in case it is shown that said bond is exhausted or in danger of being exhausted by suit, said court shall enter up its judgment requiring said parties to enter into a new bond within ten days from the date of the judgment, and adjudge the cost against defendants, and assess a reasonable attorney's fee against them as cost. In case of an appeal from such judgment the bond shall be in an amount sufficient to cover all costs and damages, to be fixed by the judge trying the cause; and in addition to the conditions now required in appeal bonds, be conditioned further to pay all damages occasioned by the breach or violation of the local option and penal laws of the State from the date of the institution of the suit until the final termination of such suit. In case appellants are cast in the suit and the same is finally determined against him or them, said appeal bond may be sued upon and recoveries had the same as provided in this chapter and article for suits and recovery on the original bond. Provided, further, that

when suit is instituted hereunder by a citizen, the suit shall be prosecuted without bond for cost on [or] appeal bond.

SEC. 2. The near approach of the close of the present session of the legislature, and the crowded condition of the calendar, and the importance of raising additional revenue for the State, and the justness of dealing with all liquor dealers alike, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a vote of yeas 18, nays 3.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the twentieth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 711.]

CHAPTER 159.

An Act to create a more efficient road system for Parker County, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' fees, and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both, in the discretion of the Commissioners Court, and making provisions of act applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act, as to Parker County, and to authorize the Commissioners Court of Parker County to create the office of superintendent of public roads and highways for Parker County, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent when elected, and prescribing bond to be given by said officer.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the Commissioners Court of Parker County shall be ex officio road commissioners of their respective districts, and under the direction of the Commissioners Court shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the Commissioners Court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such County Commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund; conditioned that they will perform all the duties required of them by law or by the Com-

missioners Court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the Commissioners Court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute same bond that is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation when a deputy road commissioner has been appointed.

SEC. 2. The Commissioners Court of said county shall have full power and authority, and it shall be its duty, to adopt such a system for working, laying out, draining, and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said Commissioners Court shall have full power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade, or otherwise improve any road or bridge by contract. In such case said court or county judge of said county, may advertise in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sums as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making such contract, the court shall direct the county treasurer to pass the amounts to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds; same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best, not to exceed two dollars and fifty cents per day, of ten hours per day, for a team and driver, and not to exceed one dollar and twenty-five cents per day for day hands; and no road hand when working out his time on the road shall be required to work but eight hours per day; but when hands are hired by the day, they shall be required to work ten hours per day.

SEC. 3. The Commissioners Court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine first, and then on the cost, for each day he may labor. The Commissioners Court may provide such reasonable regulations, as punishments, as may be necessary to require such convicts to perform good work; and may provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape. The Commissioners Court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-tenth of the time.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicines, and medical attention, and guards, for the safe and humane keeping of convicts.

The Commissioners Court may at a regular meeting allow to the officers such amount of their cost for the arrest and conviction of said convict as now provided by law; provided, that said court shall not allow to any officer an amount greater than the following: County attorney, five dollars, including commissions; county clerk and justice of the peace, one dollar and seventy cents; sheriffs or constables two dollars. The aforesaid amounts shall be paid out of the road and bridge fund, upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the general laws of this State.

Nothing in this section shall be construed so as to deprive the Commissioners Court of the right to have convicts to work a part or all of their time on the county convict farm; but authority is herein expressly given said court to require convicts to labor, in payment of fines and costs, either upon the county convict farm or upon the public roads, or partly upon both, as to said court it may seem best, and the provisions of this section shall apply as far as practicable, in all cases where convicts labor upon the county convict farm.

SEC. 4. Each county commissioner shall have charge of all road overseers in his district and shall deliver to each of them, all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the Commissioners Court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer. And any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the Commissioners Court. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioners all teams, tools and machinery received from them by him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads and shall direct the manner of grading, draining, or otherwise improving the same, which directions shall be observed and obeyed by all overseers of his district.

SEC. 6. The commissioners may require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the terms of service as prescribed by the general laws shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full con-

trol of all road hands within his road district, and shall see that each hand, when called out, shall perform a good day's work; and if any hand when so called out shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The Commissioners Court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar per day for each day served over five days during any one year.

SEC. 7. Any citizen of Parker County who is subject to road duty, who shall on or before the first day of January of any year, pay to the county treasurer of said county the sum of three dollars and seventy-five cents, shall be exempt from road duty for such year, beginning on the first day of January.

The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund. The treasurer shall on the third day of January of each year, or as soon thereafter as practicable, furnish the Commissioners Court with a list of all persons who have paid said sums, as provided in this section, and said court shall immediately have overseers, in districts wherein said sums have been paid, notified of the payment of the same, and by whom paid.

SEC. 8. Every person liable to work on the public roads in Parker County, who shall pay to his road overseer at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on the road shall take with him an axe, hoe, pick, spade, shovel, plow, scraper, or such other tools as may be desired and directed by the overseer; or if he has no such tools as are desired and directed by the overseer, to take with him, he shall take such other suitable tools as he may have; provided, the county shall be liable for, and the Commissioners Court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer shall also summon and require such road hand to bring with him for road work, such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days time for each day put in by a hand and his team, and one and one-half days time for his team without such hand; provided, it shall be unlawful for any road overseer, superintendent of public roads and highways, or county commissioner, when acting in the capacity of ex officio road commissioner, to work or use any team or teams of which he is the owner upon the public county roads at an expense to the county, and the Commissioners Court shall not allow any compensation for such service so rendered.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a mis-

demeanor, and on conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the regular term of the Commissioners Court of each year all road overseers shall make their report under oath, upon the form to be furnished them by the said court, which said report shall be examined by said said court, and all accounts for services or labor performed, for overwork by such overseer during the past year, and of moneys had and expended by him, shall be audited and settled; and as soon thereafter as practicable, said Commissioners Court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the Commissioners Court, or by the commissioner of his district, or county superintendent of public roads and highways, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road or any part thereof, if the owner of said land can not agree with the court as to damages to be paid, the court may proceed to condemn the same, in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had and the same right shall exist to each party that would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. When to the overseer it may appear expedient to make causeways and build bridges or to gravel any public road, the timber, gravel, earth, stone, or other necessary material most convenient therefor may be used; but in such case the owner of such timber or gravel, earth, stone, or other necessary material, shall be paid out of the county treasury a fair compensation for the same, to be determined by the Commissioners Court upon the application of such owner.

SEC. 14. Each County Commissioner, when acting as road commissioner, shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than sixty dollars per quarter; said per diem to be paid out of the road and bridge fund when the account shall have been approved by the Commissioners Court; and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid; and said account shall specify the number of days work actually performed by him, and that it was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road service.

SEC. 15. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade, or gravel, or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said Commissioners Court.

SEC. 16. The office of county superintendent of public roads and

highways is hereby created, and the Commissioners Court of Parker County may, when in their judgment it may be advisable, provide for the election of a county superintendent of public roads and highways at each general election, who shall be a person of good moral character and executive ability, a qualified voter of said county, who shall hold his office for the term of two years, and until his successor is elected and qualified; and said Commissioners Court when they so provide for the election of a county superintendent, shall appoint a county superintendent of public roads and highways, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected as hereinbefore provided, and shall have qualified. Such superintendent, when elected or appointed, shall perform the duties of his office from time to time, under such direction or regulations as in the judgment of the Commissioners Court may seem best; and said superintendent shall at all times be subject to the direction or immediate control of the Commissioners Court. Such county superintendent of public roads and highways, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall enter into bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the County Commissioners Court, and to be filed with the county clerk of Parker County, and said bond shall be made payable to the County Commissioners Court of Parker County and their successors in office, in trust for the road and bridge fund of Parker County, and be conditioned for the faithful performance of the duties of his office. In case said bond is forfeited and collected, the sum so collected shall become a part of the road and bridge fund of Parker County. Such superintendent, while actually engaged in the discharge of the duties of his office, shall receive from the road and bridge fund of Parker County, as compensation for his services, a salary not exceeding six hundred dollars per year; and the County Commissioners' Court of Parker County shall have the power and authority, when in their judgment they may deem it advisable, to abolish the office of county superintendent of public roads and highways, by an order entered on the minutes of their court at a regular term thereof. Whenever such office is abolished, the County Superintendent shall serve out the term for which he was elected, and at the expiration of his term he shall turn over all books, papers, records, tools, machinery, and other property in his possession belonging to the county or pertaining to his office, to the county judge, who shall issue a receipt therefor.

SEC. 17. This act shall be taken notice of by all courts in the same manner as a general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict, this act shall control as to the County of Parker; and all local or special laws in conflict herewith are hereby repealed.

SEC. 18. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 25, nays none.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 690.]

CHAPTER 160.

An Act to amend Section 1 of an act entitled an act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas, Harbor Island, certain shoal waters and flats in front thereof, and in Red Fish Bay, and to excavate a free channel along and through Turtle Cove, between Corpus Christi Bay and the deep water harbor or channel at or near Aransas Pass, in order to encourage the procuring and maintenance of deep water at Aransas Pass, and prescribing certain conditions attaching to and following with such purchase, passed at the present session, and which became a law without the Governor's approval, April 8th, A. D. 1897.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1 of an act entitled An act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas, Harbor Island, certain shoal waters and flats in front thereof, and in Red Fish Bay, and to excavate a free channel along and through Turtle Cove, between Corpus Christi Bay and the deep water harbor or channel at or near Aransas Pass, in order to encourage the procuring and maintenance of deep water at Aransas Pass, and prescribing certain conditions attaching to and following such purchase, passed at the present session, and which became a law without the Governor's approval, April 8th, A. D. 1897, be so amended as to hereafter read as follows:

Section 1. The Aransas Pass Harbor Company shall be permitted to purchase from the State of Texas, at two dollars per acre, all or any portion of Harbor Island, situated near Aransas Pass, on the gulf coast of Texas, as well as the shoal waters and flats lying in front of said island on its east side, out to the present deep [water] channel; and also all and any flats and shoal waters in Red Fish Bay, lying in one-half mile of any deep water channel, navigable for sea-going boats, that may be hereafter constructed by said company through or in said Red Fish Bay connecting the same with Aransas or Corpus Christi Bays, or the Morris and Cummins channel, and extending to the shore of Red Fish Bay at and near the present town site of Aransas Pass; and provided, further, that any channel so constructed in Red Fish Bay, shall be sixty feet wide at the bottom and five feet deep throughout; and provided, further, that said company shall not be permitted to purchase any flats or shoal waters in Red Fish Bay lying within one-half mile of any private holdings on said Red Fish Bay on the side next to the present town site of Aransas Pass; and provided, further, that all channels excavated or constructed by said Aransas Pass Harbor Company, under the authority of this law, shall forever remain open and free to all vessels without fee or charge; provided, that said company shall not be permitted to purchase the twenty-

five acres of Harbor Island heretofore patented to the United States, and on which Aransas lighthouse now stands, nor the shoal waters or flats in front thereof, nor the land on which the State quarantine station is now situated on said island, nor the shoal waters or flats in front thereof, which said land is hereby especially reserved to the State, and which said land so reserved is described as follows: Beginning at a point situated at mean low tide mark on the east shore of said Harbor Island, one-half mile in a northerly direction from the center of the foot or shore end of the quarantine wharf; thence in a southerly direction along the east shore of said island at mean low tide mark, with its meanders, one mile to the southeast corner of this tract of land; thence in a westerly course in right angles with the general course of the line above established, one-half mile establish corner for southwest corner of this tract; thence in a northerly direction parallel with the general course of the east line of this tract, as herein first above provided; one mile establish the northwest corner of this tract; thence in an easterly direction parallel with the south line of this tract, one-half mile to point of beginning on east shore of Harbor Island for northeast corner; provided, however, that if said described property is abandoned by the State as a quarantine station and hereafter put upon the market for sale or lease by the State, said harbor company shall have the preference right to buy or lease same at the price that may hereafter be put thereon by the State; provided, however, that such preference shall continue for ninety days only after the time said property is put on the market by the State for such sale or lease; provided, further, that said company shall not be permitted to purchase or acquire under this act the shallow bay or cove locally known as Turtle Cove, and situated between Harbor Island on the north and northwest and Corpus Christi Bay on the west side, and Mustang Island on the south and southeast, and Aransas Pass and Aransas Bay on the east and northeast; provided, further, that said company shall not purchase or acquire any of the shoal waters or flats adjoining what is known as Shell Bank Island, Talley Island, and the shell reef running towards the main land from said island. Be it further provided, that nothing in this act contained shall be so construed as to affect or impair the vested rights of any person, firm, association of persons, or corporations.

SEC. 2. The great importance of continuing the work for deep water at Aransas Pass, and the necessity of securing it at the earliest possible day, and the fact of the vast amount of business before this session of the Legislature, and the length of the session being limited, creates an imperative public necessity and emergency which demands that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

SEC. 3. That all laws in conflict with any of the provisions of this act be and the same are hereby repealed.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 26, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated

with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 491.]

CHAPTER 161.

An Act to repeal an act entitled an act to incorporate the town of Castroville, approved January 16, 1850.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the act approved January 16, 1850, entitled An act to incorporate the town of Castroville, be and the same is hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Thursday, the twentieth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. H. B. No. 413.]

CHAPTER 162.

An Act to amend Article 3384, Title LXIX, of the Revised Civil Statutes of the State of Texas, relating to local option.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3384, Title LXIX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as hereafter to read as follows:

Article 3384. The commissioners' court of each county in the State, whenever they deem it expedient, may order an election, to be held by the qualified voters of said county, or of any commissioner's or justice's precinct, or school district, or any two or more of any such political subdivisions of a county, as may be designated by the commissioners' court of said county, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, or commissioner's, or justice's precinct, or school district, or any two or more of any such political subdivisions of such county, or in any town or city; provided, it shall be the duty of said commissioners' court to order the election as aforesaid whenever petitioned so to do by as many as two hundred and fifty voters in any county, or fifty voters in any other political subdivision of the county or school district, as shall be designated by said court, or in any city or town, as the case may be; provided, that if the precinct or precincts designated embrace within the limits an incorporated town or city, then such election shall only be ordered when the petition for the same is signed by qualified voters, not less than one-tenth in number of the total vote cast for governor at the next preceding general election in such incorporated town or city; and in case an election is asked for a

subdivision of said county, composed of two or more complete commissioners' or justices' precincts, or school districts, such petition shall describe such subdivision by metes and bounds, as well as by the proper numbers of such precincts or school districts; and said petition and the description of such subdivision shall be recorded in full in the minutes of the commissioners' court, and such description shall be embraced in the notice given for such election; provided, that where a school district, city or town may be composed in part of two or more subdivisions of the county, named hereinbefore, the right to order and hold an election in such school district, city or town, shall not be denied; and provided, further, that no city or town shall be divided in holding a local option election for any of the other subdivisions named herein; nor shall any school district which has adopted local option, be divided in a subsequent election, held for any other of such subdivisions covering a part of the territory of such school district.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. That the near approach of the close of this session creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed both houses of the Legislature, the vote by number of yeas and nays not given in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the twelfth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 154.]

CHAPTER 163.

An Act to require cities to provide for a board of plumbers, to be known as the examining and supervising board of plumbers; to regulate the duties of said board, and to provide penalties for violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That every city in this State having underground sewers or cesspools, shall pass ordinances regulating the tapping of said sewers and cesspools; regulating house drainage and plumbing, creating a board for the examination of plumbers, to be known as the examining and supervising board of plumbers; to provide for an inspection of plumbing. Said board shall consist of the following five persons: a member of the local board of health, the city engineer, the chief plumbing inspector, a master plumber of not less than ten years active in continuous business experience, and a journeyman plumber of not less than five years active continuous practical experience. The mayor and the local board of health shall make said appointment, and shall regulate the length of term each member shall serve; they shall fill all vacancies occurring in the examining and

supervising board of plumbers; appointments to said vacancies to be for the unexpired term of the member whose place is filled.

SEC. 2. The examining and supervising board of plumbers herein created shall examine and pass upon all persons now engaged in the business of plumbing, whether as a master plumber, employing plumber, or journeyman plumber, in their respective cities, and all persons who may hereafter wish to engage in the business of plumbing as master plumber, employing plumber, or journeyman plumber, within their respective jurisdictions, and also all persons who may apply for the office of plumbing inspector. They shall issue a license to such persons only as shall successfully pass a required examination. They shall also register in a book to be kept for that purpose, the names and places of business of all persons to whom a plumber's license is issued. They shall not issue license for more than one year, but the same shall be renewed from year to year, upon proper application.

SEC. 3. Each applicant for examination for plumber's license shall pay to such person as the examining and supervising board of plumbers may designate to receive the same, the sum of three (\$3.00) dollars for each master plumber examined, and the sum of two (\$2.00) dollars for each journeyman plumber examined, which fees may be used by said board to defray any of its legitimate expenses, the residue, if any, to be paid over to the treasurer of the city in which said board shall operate. Members of the examining and supervising board of plumbers shall receive no compensation for their services on said board. Said license shall be non-transferable, and said examination and examination fee shall not be required of the same person more than once.

SEC. 4. In selecting the first or chief inspector of plumbing, herein provided for, the mayor shall act with the other four members of said board above specified. After said inspector of plumbing shall have been chosen, he shall become the fifth member of the examining and supervising board of plumbers in place of the mayor.

SEC. 5. *Be it further enacted:* That license shall not be issued to any person or firm to carry on or work at the business of plumbing, or to act as inspector of plumbing, until he or they shall have appeared before the examining and supervising board for examination and registration, and shall have successfully passed the required examination. Every firm carrying on the business of plumbing shall have at least one member who is a practical plumber.

SEC. 6. Any person, whether as master plumber, employing, or journeyman plumber, engaged in, working at, or conducting the business of plumbing without license as provided in this act, shall be guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than twenty nor more than two hundred and fifty dollars.

SEC. 7. All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 8. The near approach of the close of the present session of the legislature and the large number of bills now upon the calendar of each house create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas

for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. B. No. 258.]

CHAPTER 164.

An act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violation of the provisions of this act, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the State Board of Education, together with the State Superintendent of Public Instruction, the President of the Sam Houston Normal Institute and the Attorney General shall constitute a State text-book board for the purpose of adopting a uniform system of text-books for the use of the public free schools of this State, and for the further purpose of executing the provisions of this act. Said board is hereby authorized to select and adopt a uniform system of text-books for the purpose above indicated, and the text-books so selected shall be used in the public free schools of this State for a period of not less than five years from the date of their said adoption. Said series to include the following branches of study, to-wit: Spelling, reading, English language lessons and grammar, geography, arithmetic, the elements of physiology and hygiene, history of the United States, history of the State of Texas, a graded system of writing books; provided that any of said text-books shall not contain anything of a partisan or sectarian character; and provided further, that the State text-book board shall appoint a commission consisting of five persons engaged in the school business as teachers or city or county superintendents; provided, that not more than one of such commissioners shall be appointed from any congressional district of this State, who shall examine in executive session all books sent to the State text-book board as samples upon which bids are to be based, and shall report upon the merits of the books, irrespective of price, taking into consideration chiefly the internal merits or subject matter of the books, but having proper regard, also, to the material and mechanical qualities of the books, and shall report a classified list of said books to the State text-book board at a date fixed by said board, arranging the books of each class and subclass or division in said report in the order in which they are recommended; that is, the first reader to which the commission gives its first recommendation shall be the first on the list of first readers; the first reader to which the board may give its second recommendation shall be placed second on the list, and so on until all books examined by the said commission have been properly listed. This report shall be delivered to the text-book board under seal and shall not be opened till the board meets to open and consider the bids of publishers or others desiring to have books adopted by the said board. The members of said commission shall,

before entering upon their duties, each take and subscribe to an oath, and shall file the same with the secretary of the text-book board, to examine all books referred to said commission faithfully and carefully and make true report thereon as herein prescribed and directed. The State text-book board in adopting books shall consider the said report, together with the bids made by publishers, and adopt books to which the commission gives its first recommendation, unless other books on the same subject coming later on the said lists are offered at lower prices, taking into consideration subject matter, material, style, binding and mechanical excellence, in which case the text-book board will exercise its discretion and shall be authorized to make an adoption in view of all the circumstances. If the text-book commission consider different books of the same class or divisions to be of approximately equal merit, all things being considered, they shall so report; and if they consider that any of the books offered are of such general character as to make them inferior and not worthy of adoption by the State text-book board, they shall in their report so designate such books. The compensation of this commission shall be fixed by the State text-book board and shall be paid, with their expenses, from the special appropriation authorized in this act; provided, that the compensation shall not exceed \$5 per day for each day that such members may serve. Books furnished shall be in all respects equal to the samples furnished the text-book board at the time of filing bids and fully equal in both internal and external material qualities to the books in general use in the State on the respective subjects; Provided, nothing in this act shall be so construed as to prevent the teaching of German, Bohemian, Spanish, Latin, French or Greek in any of our public schools, in conjunction with the English course prescribed by this act, when the trustees of any such school shall recommend the teaching of German, Bohemian, Spanish, Latin, French or Greek; but the teaching of such languages shall not be allowed to supersede the use of the text-books prescribed under the provisions of this act; provided, that said board in selecting said books, shall give preference to the text-books of Texas authors or publishers, the price and merit of same being equal to other text-books offered.

SEC. 2. Said board shall immediately upon the taking effect of this act advertise for such time in such manner as they deem best to obtain the desired information that at a time and place to be fixed by said notice and not later than two months after the first publication thereof said board will receive sealed proposals as follows: "From the publishers of school text-books for furnishing books to the schools of the State through agencies established by said publishers in the several counties of the State as may be provided for in such regulations as said board may adopt." No bid from any publisher shall be entertained by said board made for a longer period than five years. Said bid or bids shall state specifically at what price each book will be furnished and shall be accompanied with specimen copies of each and all books proposed to be furnished, and it shall be required of the bidders, and each of them, to deposit with the Treasurer of the State such sum of money as the board may require, not less than five hundred dollars nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing any sum shall fail to make and execute such

contract and bond as herein required within such time as the board may require, which time shall be stated in the notice advertised. All bids shall be deposited sealed with the Comptroller of the State, to be by him delivered to the board when they are in session for the purpose of considering the same, when they shall be opened in the presence of the board. When any person has been awarded a contract and filed his bond and contract with the board the said board shall make an order on the Treasurer of the State, reciting such fact, whereupon the Treasurer shall return the deposits of such successful bidder; but if any such successful bidder shall fail to make and execute the contract and bond as hereinbefore required the Treasurer shall place such special deposit in the State Treasury to the credit of the available school fund and the board shall readvertise, if they conclude to do so, for other bids to supply such books, which the successful bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books selected and adopted by the board shall be printed or written in English. The board shall stipulate in contract for supplying books, as herein provided, that the contractor or contractors shall exchange the contract books for all books actually in use, and for which purpose the value of the books in use shall be deducted from the contract price of the new books; provided, the successful bidder to supply any books, who may have awarded to him or to them any contract, shall, within the time fixed by the board, enter into contract and shall make and execute a good and sufficient bond, payable to the State of Texas, and in the sum of not less than ten thousand dollars, signed by not less than three solvent sureties, who shall be residents of the State of Texas, to be approved by the Governor, which said bond may be put in suit at any time upon suggestion of the board. Such bond shall be conditioned that the contractor or contractors shall faithfully and honestly perform the conditions of the contract. Said contract and bond shall be prepared by the Attorney General and be made to conform to the requirements of this act. Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the full amount thereof is recovered, and the board may at any time after twenty days' notice require a new bond to be given.

SEC. 3. It shall be the duty of said board to meet at the time and place mentioned in such notice and open and examine all sealed proposals received pursuant to the notice provided for in section 2 of this act; and it shall be the further duty of said board to make a full, complete, and thorough investigation of all such bids, and to ascertain under which of said bids the school books could be furnished to the people of this State for common school use at the lowest price, taking into consideration the size and quality as to matter, material, style of binding and mechanical execution of such books; said text-book board shall then proceed without delay to adopt for use in the public schools of this State text-books upon the branches hereinbefore mentioned, and notify publishers to whom contracts are awarded, and as each contract duly signed by the publishing house, or its authorized officers or agents, is presented to the board, if it is found to be in accordance with the award and the provisions of this act, and the bond herein required is presented, duly approved, the board shall approve said contract, and order it to be signed on behalf of the State by the Governor, who shall be ex officio chairman

of the text-book board, in his capacity as chairman, and by the State Superintendent of Public Instruction, who shall be ex officio secretary of the text-book board, in his capacity as said secretary; thereupon the Governor and the State Superintendent of Public Instruction shall sign said contract in said respective capacities; and all contracts shall be made in duplicate—one copy to remain in the possession of the secretary and to be copied in full in the minutes of the meetings of said board, to be kept in the office of the State Superintendent of Public Instruction in a well bound book, and the other copy to be delivered to the company or its agent. And in case of failure to comply with said contract, the board may cancel the contract so broken; provided, that the board and the contractor agreeing to furnish the books may, by agreement, make such changes of the books to be furnished as the board may deem proper and to the interest of the State. The contract price of each book shall be plainly printed on the back of each book by the publisher or the parties furnishing the same; provided, always, that such board shall not in any case contract with any publisher or publishers for the furnishing of any book or books which shall be sold to patrons for use in the public schools of this State at a price above or in excess of the lowest price at which said publisher or publishers furnish under contract the said book or books to any State, county, or school district in the United States.

SEC. 4. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor hereunder for any sum whatever, but all such contractors shall receive their pay in compensation solely and exclusively from the proceeds of the sale of books as provided for in this act, and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, and the contract shall contain a stipulation to that effect.

SEC. 5. As soon as such board shall have entered into contract for the furnishing of books for use in the public free schools of this State, pursuant to the provisions of this act, it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State; and it is further provided, that the State Superintendent of Public Instruction shall carefully label and file away all sample copies of the books so furnished as hereinbefore provided, and for which a contract shall have been entered into as herein specified, which shall be securely kept as the standard of quality and excellence to be maintained in such books during the continuance of such contract.

SEC. 6. The party with whom such contract has been made shall establish and maintain in some city in this State a depository to be designated by the board, where a stock of their books sufficient to supply all immediate demands shall be kept. It shall also establish and maintain one or more agencies in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown by the last report of the County Superintendent of the county on file in the office of the State Superintendent of Public Instruction, and any person in a county not having an agency for any of the adopted books, may order from the central agency, and the books so ordered shall be sent to him at any post-office in the county at the retail contract price; provided, that the price of

the books so ordered shall be paid in advance; one of which agencies shall be at the county seat. At such agencies books shall be sold at the retail contract price, together with the following notice: "The price fixed hereon is fixed by State contract, and any deviation shall be reported to the State Superintendent at Austin." And it is provided that upon the failure of the party contracting to furnish the books for the public free schools of this State, as provided for in this act, the county judge may, in the name of the State of Texas, sue in the District Court of his county and recover on the bond given by the contractor under this act for the full value of the books so failed to be furnished for the use and benefit of the schools of his county, and the amount so recovered shall be placed to the credit of the available school fund in the county so recovering; and it is further provided, that unorganized counties shall be furnished books through the same agency as the county to which said unorganized county is attached for judicial purposes; in the same manner as the said organized county obtained the books used therein.

SEC. 7. As soon as practicable after the adoption provided for in this act, the State Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent school districts, which letter shall contain a list of the books adopted, the prices, method of distribution, and such other information as he may deem necessary.

SEC. 8. The board may from time to time make necessary regulations not contrary to the provisions of this act to secure the prompt distribution of the books herein provided for.

SEC. 9. If upon the examination of the proposals referred to in Section 3 of this act, it shall be the opinion of said board that first-class, suitable books on any branch herein named can not be secured by adopting any of the offers submitted in compliance with the provisions of this act, and that such books on such branch can be secured at rates not exceeding those fixed by this act by procuring, and causing to be published manuscript of books on such branch, it shall be their duty to procure such manuscripts and to advertise for sealed proposals for publishing the same in like manner as hereinbefore provided and under the same conditions and restrictions, and such contract may be let for the publication of all such books, or for any one or more of such books separately; and it shall be the further duty of said board to provide in the contract for the publication of any such manuscript for the payment by the publisher of the compensation agreed between said board and the author or owner of any such manuscript, together with the cost or expense of copyrighting the same.

SEC. 10. After September 1, 1898, or as soon thereafter, as the board may deem practicable, the books adopted by the board as a uniform system of text-books for this State shall be introduced and used as text-books to the exclusion of all others in the public free schools; provided, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books, shall not be used to the exclusion of the books to be prescribed under the provisions of this act; nor shall such supplementary books be so used in the public free schools of this State in such way as to compel the purchase of such supplementary books by the patrons of the schools.

SEC. 11. Any teacher or trustee who shall violate the provisions of

this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than fifty dollars for each offense, and every day of such violation shall be considered a separate offense.

SEC. 12. Nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way, in case no contract should be made, or the contractor fails or refuses to furnish the books provided for in this act at the time required for their use in the respective schools.

SEC. 13. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the cost and expense of putting into effect the provisions of this act.

SEC. 14. Any county, city or town which has assumed control of its schools, and which has, prior to April 1, 1897, adopted a uniform system of text-books shall not be required to comply with the provisions of this act prior to the first day of September, 1899, or until contracts heretofore entered into shall have expired; provided, that this act shall not apply to cities of 10,000 inhabitants or over, unless such city or cities shall by their city council or school board adopt the provisions of this act.

SEC. 15. The board shall prepare and submit to the Governor before the Twenty-sixth Legislature shall convene, a report wherein they shall discuss the feasibility of State publication of common school text-books, and submit estimates of the probable cost to the State of such publication.

SEC. 16. The fact that many publishers of school text-books have entered into conspiracies and combinations against competition, rendering it impossible to procure school books at fair and reasonable prices, and the further fact that the people of this State are being put to great and unnecessary expense by constant changes of the text-books to an extent that is rapidly destroying the efficiency of our public school system together with the near approach of the close of the session, and the large number of bills now on the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 10, 1897.

Takes effect 90 days after adjournment.

S. B. No. 293.]

CHAPTER 165.

An Act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered, or filed, with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty, or obligation, and to regulate such business, and to repeal Chapter XVI, Title 21, of the Revised Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any bond, undertaking, recognizance, or other obligation is by law or the charter, ordinances, rules or regulations of a municipality, board, body, organization, court, judge, or public officer, required or permitted to be made, given, tendered or filed, with the surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company, qualified as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guaranty shall be in all respects a full and complete compliance with every requirement of every law, charter, rule or regulation that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such sureties shall be residents, or householders or freeholders, or either or both, or possess any other qualification; provided, that nothing herein shall be construed to permit any corporation to become a surety upon the official bond of any State or county official in this State; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character, shall accept and treat such bond, undertaking, obligation, recognizance or guaranty when so executed by such company, as conforming to and fully and completely complying with every requirement of every such law, charter, ordinance, rule or regulation.

SEC. 2. That such company to be so qualified to so act as surety or guarantor, must comply with the requirements of every law of this State applicable to such company doing business therein; must be authorized under the laws of the State where incorporated, and under its charter to become surety upon such bond, undertaking, obligation, recognizance or guaranty; must have a fully paid up and safely invested and unimpaired capital of at least \$100,000; must have good available assets exceeding its liabilities, which liabilities for the purpose of this act shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the current annual premiums on each outstanding bond, undertaking, recognizance and obligation of like character in force; must file with the commissioner of insurance, statistics, history and agriculture, a certified copy of its certificate of incorporation, a written application to be authorized to do business under this act, and also, with such application, and in each year thereafter a statement verified under oath made up to December 31st, preceding, stating the amount of its paid up cash capital, particularizing each item of investment, the amount of premiums upon existing bonds, undertakings,

recognizances and obligations of like character in force upon which it is surety; the amount of liability for unearned portion thereof estimated at the rate of fifty per centum of the current annual premiums on each such bond, undertaking, recognizance and obligation in force, stating also, the amount of its outstanding debts of all kinds, and such further facts as may be by the laws of this State required of such company in transacting business therein; and if such company be organized under the laws of any other State than this State it must also have on deposit with a State officer of one of the States of the United States, not less than \$100,000 in good securities, deposited with and held by such officer for the benefit of the holders of its obligations; must also appoint an attorney in this State upon whom process of law can be served, which appointment shall continue until revoked or another attorney substituted, and must file with the commissiонер of insurance, statistics and history and agriculture written evidence of such appointment, which shall state the residence and office of such attorney; and such service of process may also be made upon the commissioner of insurance of this State, by virtue of his office, and shall be as effective as if made upon said attorney; and must also have on deposit with the treasurer of this State at least \$50,000 in good securities, worth at par and market value at least that sum, of the value of which securities the commissioner of insurance shall judge, held for the benefit of the holders of the obligations of such company; said securities so deposited with said treasurer to remain with him in trust to answer any default of said company as surety upon any such bond, undertaking, recognizance or other obligation, established by final judgment upon which execution may lawfully be issued against said company; said treasurer and his successors in office being hereby directed to so receive and hereafter retain such deposit under this act, in trust, for the purposes hereof; such company, however, at all times to have the right to collect the interest, dividends and profits upon such securities, and from time to time to withdraw such securities or portions thereof, substituting therefor others of equally good character and value, to the satisfaction of said treasurer, and such securities and substitutes therefor shall be at all times exempt from and not subject to levy under writ or process of attachment; and, further, shall not be sold under any process against such company until after thirty days notice to said company, specifying the time, place and manner of such sale, and the process under which and purposes for which it is to be made, accompanied by a copy of such process; provided, however, that whenever any such company, domestic or foreign, has been engaged in this State in the business contemplated by this act, has made deposit in this State, in trust or otherwise, of securities, to answer any default of such company upon any such bond, undertaking, recognizance, guaranty or stipulation, such securities so deposited shall be by the trustee or custodian thereof transferred and delivered to said treasurer of this State in trust for the same purposes under and subject to all the rights and equities of all parties interested, and to the terms and provisions of this act, and thereupon such deposit shall remain in trust under and subject to the terms and provisions of this act, and whenever such deposit has been made with a trustee by order of any court or other authority, it shall be the duty of the court or other authority, by order or otherwise, to direct such transfer to said treasurer; and in case such deposit is less than the sum of \$50,000, then

said company must deposit with said treasurer securities sufficient to increase said deposit to said sum of \$50,000, as required by this act; provided, domestic corporations chartered for the purpose of doing business under this act within this State alone shall be required to deposit securities as hereinbefore provided for to the amount of \$25,000.

SEC. 3. That the commissioner of insurance, statistics, history and agriculture, upon due proof by any such company of its possessing the qualifications in this act specified, shall issue to such company a certificate setting forth that such company has qualified, and is authorized for the ensuing year to do business under this act, which said certificate shall be evidence of such qualification of such company, and of its authorization to become and to be accepted as sole surety on all bonds, undertakings, recognizances and obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, and the solvency or credit of such company for all purposes, and its sufficiency as such surety.

SEC. 4. That any such company, domestic or foreign, may at any time surrender to the commissioner of insurance, statistics, history and agriculture its said certificate of qualification, and shall thereupon cease to engage in said business of suretyship; and such company shall thereupon be entitled to the release and return of its said deposit as aforesaid, in manner following: Said company shall file with said commissioner of insurance, statistics, history, and agriculture, a statement in writing, under oath, giving the date, name, and amount of all its then existing obligations of suretyship in this State, briefly stating the facts of each case to said commissioner of insurance, statistics, history, and agriculture, who, after examination of the facts, shall require said company to file with the treasurer of this State a bond, payable to the State, in a sum equal to the whole amount of its liability in this State, under its contracts, conditioned for the faithful performance and fulfillment of all its outstanding obligations, or it may at its option, reinsure its risks in some surety company authorized to do business in this State, or cancel all bonds on which it is liable, and return a pro rata of the premium received thereon, whenever such cancellation and return can be done without impairing its obligation to third parties.

SEC. 5. Any surety company may withdraw from the bond of any trustee, guardian, assignee, receiver, executor, administrator or other fiduciary, in like manner and by like proceeding as is now provided by law in the case of individual sureties.

SEC. 6. If any suit shall be instituted upon any bond or obligation of any surety company, the proper court of the county wherein said bond is filed shall have jurisdiction of said cause, and service therein shall be made, either upon the attorney for said company, by this act required to be appointed, or upon the commissioner of insurance, and such service shall be to all intents valid and effectual as service upon said company. And such guaranty, fidelity, and surety companies shall be deemed resident of the counties wherever they may do business, and the doing or performing any business in any county shall be deemed an acceptance of the provisions of this act.

SEC. 7. Should any company of the character named or enumerated in this act, fail or refuse to pay any loss by it incurred in this State within sixty days after its liability thereupon shall have been by suit finally

determined, upon satisfactory proof, to the treasurer of this State, of such liability and of its non-payment, said treasurer shall, out of the deposits so made with him, as by this act provided, pay said loss, and when he shall have done so, he shall, at once, certify to the commissioner of insurance the fact of such default on the part of said company, whereupon said commissioner shall forthwith cancel and annul the certificate of authority of such company to do business in this State; provided, that such payment shall not operate to release the company from payment of any balance which it still may owe after such payment by the treasurer of this State has been made.

SEC. 8. Any person who solicits business for or on behalf of such corporation, or makes or transmits for any person other than himself, any application for guaranty or security, or who advertises or otherwise gives notice that he will receive or transmit same, or who shall receive or transmit same, or who shall receive or deliver a contract of guaranty or security, or who shall examine or investigate the character of any applicant for guaranty or security than himself, or who shall refer any applicant for guaranty or security to such corporation, whether any of said acts shall be done at the instance and request, or by the employment of such corporation, or other corporation or person, or any person who shall issue indemnifying bonds or contracts, whose solvency and compliance with his said bonds or obligations is guaranteed directly or indirectly by any corporation, shall be held to be the agent of such corporation so far as relates to all the liabilities and penalties prescribed by this act.

SEC. 9. Any person, association of persons or corporations, who shall accept any corporation created for the purposes, or either of them, mentioned in Section 1 of this act, without such corporation having previously complied with the provisions and requirements of this act, and having received from the commissioner of agriculture, insurance, statistics and history the certificate of authority provided for in this act, shall forfeit as a penalty the sum of five hundred dollars, to be recovered by suit in the name of the State in any court of competent jurisdiction.

SEC. 10. When any corporation shall cancel a bond of guaranty or indemnity, or shall notify the employer of the person whose fidelity is guaranteed, that said corporation will no longer guarantee or be security for the fidelity of said person, or when said corporation has once guaranteed the fidelity of any person, or acted as security therefor, and on application refuses to do so again, it shall furnish to such person a full statement in writing of the facts on which the action of the corporation is based, and if such action be based in whole or in part on information, all such information; and any such corporation failing or refusing to furnish any such written statement within thirty days after a request therefor, shall be liable to such person injured in the sum of five hundred dollars, in addition to all other damages caused thereby, which may be sued for and recovered in any court of competent jurisdiction.

SEC. 11. If any such corporation shall fail or refuse to comply with the provisions of this act, the commissioner of agriculture, insurance, statistics and history shall revoke the certificate of authority issued said corporation.

SEC. 12. Corporations created for the purposes mentioned in Section 1 of this act are hereby declared to be charged with a public use.

SEC. 13. That Chapter 16, of Title 21, of the Revised Statutes of the State of Texas, and all other laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 14. Whereas, the conflict and uncertainty of the law relating to guaranty and fidelity companies, operates a great inconvenience to a large number of the citizens of the State who desire to give bonds by means of such companies, thereby relieving individuals from the necessity of such bonds, creates an imperative public necessity and emergency which authorizes the suspending of the constitutional rule requiring bills to be read on three several days; therefore said rule is suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Approved, June 10, 1897.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 16, nays 6; and having passed the house with amendments, vote not given, the Senate concurred in the House amendments by a two-thirds vote, yeas 22, nays 5.]

S. B. No. 363.]

CHAPTER 166.

An Act to authorize the Texas Central Railroad Company to purchase, own and operate the railway extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco & Northwestern division of the Houston & Texas Central Railway, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Texas Central Railroad Company.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Texas Central Railroad Company be and it is hereby authorized to purchase, own and operate the railway from the town of Bremond, in Robertson County, to the town of Ross, in McLennan County, commonly known as the Waco & Northwestern division of the Houston & Texas Central Railway, with its appurtenances, or any part thereof, and, in case the same, or any part thereof, shall be so purchased, the aggregate amount of bonds and stocks which may be issued by said Texas Central Railroad Company shall be increased by the value of such railway and its appurtenances so purchased, or of the portion thereof purchased by said railroad company, as such value has been or shall be ascertained and determined by the railroad commission of the State of Texas under the provisions of the act of the legislature of the State of Texas, entitled "An act to define franchises; to make public the value of railroads; to make effective Section 6, Article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the railroad commission and the attorney general in relation thereto," approved April 8, 1893, and any amendments made or which may be made thereto. It is

provided, however, that the Texas Central Railroad Company shall be liable for all the outstanding indebtedness of the Waco and Northwestern, of every kind whatsoever.

SEC. 2. Be it further enacted, that any such purchase shall be valid and binding only when approved by the assent of the holders of at least two-thirds of the outstanding capital stock of said Texas Central Railroad Company, given in writing or at a meeting of the stockholders of said railroad company, and upon the filing with the railroad commission and with the Secretary of State of such assent in writing or a certified copy of the record of the proceedings of such corporate meeting, together with a certificate from the secretary of said railroad company that such assent in writing has been executed or the approval of such purchase at such meeting was assented to by the holders of at least two-thirds of the outstanding capital stock of said railroad company.

SEC. 3. The near approach of the close of the session and the crowded condition of the calendar create an emergency and an imperative public necessity requiring the constitutional rule to be suspended which requires bills to be read on three several days in each house, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and passed the House, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 543.]

CHAPTER 167.

An Act to authorize the Galveston, La Porte & Houston Railway Company to acquire by purchase, lease or otherwise, all the rights, privileges, franchises and property of the Galveston & Western Railway Company, and to operate, maintain and use the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Galveston, La Porte & Houston Railway Company shall have the right to acquire by purchase, lease or otherwise, all the rights, privileges, franchises and property of the Galveston & Western Railway Company, and to operate, maintain and use the same; and the right is hereby conferred upon the Galveston & Western Railway Company to sell, lease or otherwise transfer all its rights, privileges, franchises and property to the Galveston, La Porte & Houston Railway Company.

SEC. 2. That each of said railway companies shall have all powers necessary to carry into effect the provisions of this act, including the right of the Galveston, La Porte & Houston Railway Company to issue its bonds in exchange for a [or] payment of the stock of the Galveston & Western Railway Company at such price, and upon such terms as may be agreed upon by said companies, and the bonds so issued may also be

secured by a first lien upon the rights, privileges, franchises and property so transferred by the Galveston & Western Railway Company.

SEC. 3. No sale, lease, or other agreement made between said railway companies shall be binding until the same shall be sanctioned by a vote of the holders of three-fourths of the stock of each of the contracting companies and approved by the railroad commission of Texas. The agreement, when thus sanctioned and approved, shall be recorded in the office of the Secretary of State of the State of Texas.

SEC. 4. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar of both the Senate and the House, and the fact that the passage of this bill will tend to cheapen the transportation of passengers and freight, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the nineteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 673.]

CHAPTER 168.

An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Houston & Texas Central Railroad Company, and to regulate reports of such properties and the operations thereof.

Whereas, the Waco Tap Railroad Company was incorporated by special act of the legislature of the State of Texas, approved November 5th, 1866, entitled "An act to incorporate the Waco Tap Railroad Company," and was authorized by said act, among other things, "to locate, construct, own and maintain a railway commencing at a convenient point on the Houston & Texas Central railroad, within or below the county of Falls, and running thence northwardly by the most eligible route to or near the town of Waco, crossing and recrossing the Brazos river wherever the company may deem it necessary"; and

Whereas, by another special act of the legislature of the State of Texas, approved August 6th, 1870, entitled "An act to amend section 1, 2, 3, 5, 6, 7, 12, 13, 15, 19 and 20, of an act to incorporate the Waco Tap Railroad Company," the name of said Waco Tap Railroad Company was changed to "The Waco & Northwestern Railroad Company," and said company was, among other things, thereby invested with the right "to

locate, construct, own, operate and maintain a railway and telegraph line commencing at a convenient point on the Houston & Texas Central railroad, within or below the county of Falls, and running thence in a northwesterly direction by the most eligible route to or near the town of Waco, crossing or recrossing the Brazos river whenever the company deem it necessary; and thence up the general course of the Brazos river northwestwardly to the vicinity of the copper and coal mining regions of the Brazos river, and thence to the north line of the State of Texas on Red River," and the said company was by said act further granted "the right to cross the line of any other railroad on its line, and to form a junction with any other railroad company running in the same general direction, with full power to unite and consolidate with the same upon such terms as may be agreed upon by the said company, with the power and right to change the name thereof upon such consolidation"; and

Whereas, by another special act of the legislature of the State of Texas, approved May 24th, 1873, entitled "An act to provide for the merger of the Waco & Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston & Texas Central Railway Company," the said Waco & Northwestern Railroad Company was merged into the Houston & Texas Central Railroad Company, and, as declared in said act, made, to all intents and for every purpose in law, a part of the Houston & Texas Central railway; and the said Houston & Texas Central Railway Company was thereby authorized and empowered to operate, manage and control the same in the same manner as every other part of said Houston & Texas Central railway, and was given the right to continue the construction of said railroad from the city of Waco in a northwesterly direction in accordance with the terms of the charter of said Waco & Northwestern Railroad Company; and

Whereas, the said Waco & Northwestern railroad was, from and after the passage of the last mentioned act, an integral part of the lines of the Houston & Texas Central Railway Company and was so operated and controlled, and the said Houston & Texas Central Railway Company thereafter extended said railroad to the town of Ross, in McLennan county, and thereafter the said railroad was extended by the Texas Central Railway Company from the said town of Ross to the town of Albany or vicinity thereof, in Shackelford county; and the whole of said railroad to the town of Albany or its vicinity was operated by or in connection with the Houston & Texas Central Railway Company; and

Whereas, subsequently, through and by reason of the foreclosure in the Circuit Court of the United States for the Eastern District of Texas, at Galveston, and the Northern District of Texas, at Waco, of separate mortgages upon the different portions of said railroad line, and sales to different purchasers of said properties under such decrees, the said properties became separated and divided, and have since so continued; and-

Whereas, it is deemed expedient that such lines should be reunited so far as the owners thereof may agree upon terms for such reuniting thereof; but only upon the terms and conditions hereinafter provided; now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That the Houston & Texas Central Railroad Company be, and it is hereby authorized to purchase, own and operate the railroad commonly known as*

the Waco & Northwestern division of the Houston & Texas Central railway, extending from a point in or near the town of Bremond, in Robertson county, via Marlin and Waco, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway now known as the Texas Central Railroad, extending from a point in or near the said town of Ross, to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways, with its franchises or appurtenances, or any part or parts thereof, and the owners of each of the said railways and their franchises and appurtenances, are hereby authorized and empowered to sell the same or any part or parts thereof, to said Houston & Texas Central Railroad Company.

SEC. 2. That in case the said railways with their franchises and appurtenances, or either thereof, or any part or parts thereof, shall be purchased by the said Houston & Texas Central Railroad Company, the aggregate amount of bonds which may be issued by said Houston & Texas Central Railroad Company shall be increased by the value of such railways and franchises and appurtenances so purchased, or the part or parts thereof purchased by said railroad company, as such value has been or shall be ascertained and determined by the railroad commission of the State of Texas under the provisions of the act of the Legislature of the State of Texas entitled "An act to define franchises; to make public the value of railroads; to make effective Section 6, Article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the railroad commission and the attorney-general in relation thereto," approved April 8th, 1893, and any amendments made or which may be made thereto, but not otherwise.

SEC. 3. That this act shall not become binding, nor shall any such purchase or purchases be valid until the agreement in writing evidencing such purchase or purchases shall have been filed in the office of the secretary of state, which agreement, when so filed, shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions, and conditions of this act by the corporations and persons executing the same.

SEC. 4. That all and singular the railways and their franchises and appurtenances so sold shall be bound and liable upon and after any such sale to the same extent that each is now bound or liable, and no debt or claim against the owners of any of the properties, franchises and appurtenances so sold, or said properties, whether arising upon contract or from tort or otherwise, shall be in a [any] way affected or impaired by such sale, and any claim, suit or action of any character whatsoever by or against either of the owners of said properties so sold before such sale thereof, shall or may be prosecuted after any such sale in the same manner and to the same effect, and enforced in the same way, as if no such sale had been effected.

SEC. 5. That after any such purchase the said Houston & Texas Central railroad company shall embrace such properties purchased by it and the operations thereof in the reports required to be made to the rail-

road commission of Texas or to any other officer or department of the government of that State by railroad companies and persons operating railroads, and the former owners of such properties so sold shall not be required to make reports in respect thereof.

SEC. 6. That the near approach of the close of this session and the large amount of business remaining to be disposed of before final adjournment, creates an imperative public necessity and emergency which authorizes the suspension of the rule requiring bills to be read on three several days, and such rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the fourteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

H. B. No. 49.]

CHAPTER 169.

An Act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State Treasury on the second day of March, 1897; the same to be used in the payment of the current expenses of the State government.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the unexpended balance in the State treasury on the second day of March, 1897, to the credit of the United States direct tax fund, except so much thereof as may be necessary to pay any outstanding warrants against said fund unrepresented on the said 2nd day of March, 1897, and also excepting any and all valid claims against said fund, legal proofs of which said claims are on said 2nd day of March, 1897, on file in the comptroller's office, be and the same is hereby transferred to the general revenue account, to be used in payment of the current expenses of the State government; provided, that the comptroller be required to issue his warrant against the direct tax fund for all valid claims for penalty, interest and costs, heretofore filed, or that may have been filed and approved by him on or before March 2nd, 1897.

SEC. 2. That the comptroller of public accounts shall, on the said 2nd day of March, 1897, make such entries on the books of his department as will show the transfer directed in section 1 of this act, and shall notify the State treasurer of said transfer.

SEC. 3. Whereas, the provisions of this act will place in the State treasury to the credit of the general revenue account additional funds necessary for the current expenses of the State government; therefore, an emergency exists that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 112, nays 1; and passed the Senate by a two-thirds vote, yeas 23, nays none, and Senate amendment concurred in, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. B. No. 25.]

CHAPTER 170.

An Act to create a Judicial District in Harris County additional to the Eleventh Judicial District existing therein, to be the Fifty-fifth Judicial District; to establish a Court and provide for a Judge and Clerk of such new district; and to regulate the venue of the Courts of said respective districts and the disposition of business therein, and define the jurisdictional boundaries and terms thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county of Harris shall compose, in addition to the Eleventh Judicial District now existing by law and continued in force, the Fifty-fifth Judicial District as well; and the jurisdiction of the district courts in and for said Eleventh and said Fifty-fifth Judicial Districts shall be concurrent and co-extensive with the limits of said Harris county.

SEC. 2. That the terms of the district court of said Eleventh Judicial District shall be begun and holden as now provided by law, to-wit, in said Harris county on the first Monday in February, April, June, October and December of each and every year, and may continue in session until the business of the court is disposed of.

SEC. 3. The terms of the district court of said Fifty-fifth Judicial District shall be begun and holden in said county of Harris on the first Monday in January, March, May, September, and November of each and every year, and may continue in session until the business of the court is disposed of.

SEC. 4. The judges of each and both of said courts shall be elected at the times and in the manner provided by law, by the qualified voters of Harris county; but the judge of the district court of the Eleventh Judicial District shall continue as judge thereof, holding his office as provided by law with the tenure thereof unaffected by this act; and immediately after this act shall become law, the governor shall appoint a judge of the Fifty-fifth Judicial District, having the necessary qualifications, who shall hold his office under such appointment until the next general election, and until his successor shall have been elected and qualified.

SEC. 5. Immediately upon the taking effect of this act, the cases upon the docket of the said Eleventh Judicial District shall be divided between that court and the court of the Fifty-fifth Judicial District, as equally as may be, by transferring every alternate case to the court of the Fifty-fifth Judicial District, leaving the first undisposed of case oldest in number in the court of the Eleventh Judicial District; and thereafter, in subsequent suits or actions or proceedings, it shall be sufficient in every instance for the address or designation to be merely the district court of Harris county, and the clerk of said courts shall file and docket the even numbers thereof in the court of the Eleventh Judicial District,

and the odd numbers thereof in the court of the Fifty-fifth Judicial District; but any case pending in said courts may, in the discretion of the respective judges thereof, be transferred from one of said district courts to the other, and so from time to time; and in case of the disqualification of the judge of either of said courts in any case, such case, on his suggestion of disqualification, shall stand transferred to the other of said courts, and be docketed by the clerk accordingly.

SEC. 6. In order to expedite the dispatch of business, a term of the court of the said Fifty-fifth Judicial District may be begun and holden on the first Monday after the appointment and qualification of the judge thereof, at which term juries may be drawn for the ensuing regular term, non-jury cases tried by consent of the parties, and all necessary preliminary proceedings and interlocutory orders had and made, conducive to the prompt dispatch of business at the ensuing regular terms.

SEC. 7. The clerk of the district court of the Eleventh Judicial District shall perform the duties of clerk of the district court of the Fifty-fifth Judicial District; and in case of vacancy in said office of clerk, the same shall be filled by appointment of the judge of the Eleventh Judicial District.

SEC. 8. All writs and process heretofore issued or that may hereafter be issued up to the time this act shall take effect, which are made returnable to the district court of the Eleventh Judicial District, shall be returnable to the court in which the cause may remain or to which it may be transferred, in like manner as if originally made returnable to said court, and all such writs and process are hereby legalized and validated.

SEC. 9. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 10. That the crowded condition of the docket of the district court of the Eleventh Judicial District, whereby great delay, hardship and expense are entailed upon the litigants and taxpayers of Harris county, creates an emergency and an imperative public necessity requiring the constitutional rule for bills to be read on three several days to be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the fourteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

RESOLUTIONS.

S. C. R. No. 1.] CONCURRENT RESOLUTION.

Welcoming the Hon. William J. Bryan to Texas.

Whereas, The Hon. William Jennings Bryan, of Nebraska, the brilliant orator, grand statesman and matchless tribune of the people, at the last election democratic candidate for president of the United States, contemplates an early visit to this State; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That in the name of all the people the Legislature of Texas welcomes the distinguished gentleman to our grand State, and voice the wish that his stay among us may be prolonged and agreeable.

Be it further resolved, That a cordial invitation is hereby extended Hon. W. J. Bryan to visit the capital of the State as the guest of the Legislature during his sojourn in Texas.

Be it further resolved, That his Excellency, Hon. C. A. Culberson, Governor of Texas, be and he is hereby requested to transmit to the Hon. W. J. Bryan a copy of this concurrent resolution, certified by the great seal of the State.

Approved, January 18, 1897.

H. C. R. No. 6.] CONCURRENT RESOLUTION.

For printing Rules, Constitution, Standing Committees, and Lists of Officers and Members of each House.

Resolved by the House of Representatives, the Senate concurring, That there be printed and bound three hundred copies of a book containing the rules of the Senate, the rules of the House of Representatives, the joint rules of the two houses, the Constitutions of the United States and of the State of Texas, properly indexed and annotated, also a list of the officers, standing committees and members of each house, one hundred copies of the same to be for the use of the Senate and two hundred copies for the use of the House; the printing to be done under the supervision of the chairmen of the committees on printing and the committees on rules of the two houses.

Approved, January 30, 1897.

S. J. R. No. 7.]

JOINT RESOLUTION.

To Amend Article 8 of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas.

Be it resolved by the Legislature of the State of Texas: That Article 8 of the Constitution of the State of Texas be amended by adding thereto Section 20, as follows:

Section 20. In addition to the powers of taxation granted in the foregoing sections, it shall be lawful for the land owners of certain portions of Texas, as hereinafter provided, to organize within that section of Texas which lies west, northwest and southwest of the following counties, viz.: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Blanco, Gillespie, Comal, Caldwell, Gonzales, De Witt, Goliad, Victoria and Calhoun, irrigation districts without regard to county lines. In making provision for the cost of construction of irrigation works within said territory it shall be lawful to create an indebtedness of not exceeding fifteen dollars per acre to rest as a charge on and be secured by a lien on the irrigable land for the use and benefit of which said irrigation works have been or may be constructed. Within the term, cost of construction, shall be included the cost of riparian rights, dam sites and reservoirs, rights of way for canal and laterals, and other appurtenant expenses of the construction of irrigation plants. In case of destruction of the works, or any part thereof, the repair or rebuilding of the same shall be construed to be within the meaning of construction. To cover the cost of construction as above defined, bonds may be issued by such irrigation districts to run in time for forty years or less, and to bear interest at the rate of not more than six per cent per annum, interest payable annually, which bonds shall be sold at not less than par. The bonds shall be liquidated by the levy and collection of a tax upon the irrigable lands within such irrigation districts susceptible of irrigation from and by the system of irrigation works proposed. Such land shall be taxed in proportion to acreage and not in proportion to its value. An annual tax shall be levied and collected on such irrigable lands sufficient to pay the interest of said bonds and to create a sinking fund sufficient to liquidate the bonds above authorized. In addition to the tax above provided for, there shall be annually levied and collected a sufficient tax from the lands actually receiving the water for irrigation of a sufficient amount to cover the ordinary cost of the maintenance of the irrigation works, the distribution of the water and appurtenant charges and the collection of said tax. This charge shall be upon a basis of the amount of water contracted for; provided, that this shall not interfere with the right of any land owner to demand his proportionate part of the water on the basis of acreage. The taxes above provided for shall, when assessed, be secured by lien on the land as now provided by the general law for the security of State taxes, and when delinquent, shall be enforced as now provided by general law for the collection of delinquent State taxes, but the lien securing the same shall be subordinate to the lien securing the payment of State, county and municipal taxes.

None of the foregoing provisions of this amendment shall ever be construed to give authority to create a lien on or tax in any manner any

lands so long as they shall belong to the State; nor after sale thereof shall any charge ever be created thereon which shall take precedence over the liens securing the balance of the purchase money due the State.

The indebtedness for the construction of irrigation works authorized under the provisions of this amendment shall be created only upon a vote of a majority of the land owners resident in the district proposed to be organized and whose lands are susceptible of irrigation from and by the system of irrigation works proposed; only qualified voters under the existing laws of Texas, being such owners of rural lands, within such districts, shall have the right to vote as aforesaid.

Any natural or artificial person having an interest in any of the irrigable lands in any such irrigation district shall have the right at any time within ninety days after the vote authorized has been declared, and not thereafter, to file a proceeding in any court having jurisdiction to test the validity of the formation of said district, the classification of the land as irrigable lands, or other details thereof. Such proceedings shall have precedence through all the courts as now provided by law in quo warranto suits.

Irrigation districts organized under the provisions of this amendment are hereby declared to be bodies corporate, and in the name of the districts they shall have the right to sue and be sued, and may acquire by purchase or condemnation proceedings as now authorized by law in the case of irrigation corporations all the property necessary for its organization, operation and existence, and may buy in under foreclosure of its taxes any property, but the property bought in at tax sales shall be held and disposed of as hereafter provided by law.

All bonds issued under the provisions of this amendment shall be passed upon and certified to by the Attorney General of the State of Texas, as now required by law in the case of county and city bonds. When approved by the Attorney General said bonds shall be registered by the Comptroller of the State, as now required by law in the case of county and city bonds, and when so registered shall be entitled to all the faith and confidence now prescribed by law in the case of county and city bonds.

To the end that this amendment may be put into immediate operation upon its adoption by the people, it is provided that until otherwise provided by law the Governor of the State, the Commissioner of the General Land Office, and the Attorney General of the State, are hereby created a board and vested with complete power and authority to make such rules and regulations as may be necessary to put into immediate practical operation this amendment to the Constitution and that may be necessary to enable irrigation districts to organize and operate under the provisions of this amendment. And to that end, until otherwise provided by law, said board shall have the power and authority in making said rules as complete as the Legislature of the State of Texas now have to enact laws. The rules, when adopted by said board, shall be filed with the Secretary of State, and when so filed shall remain in full force and effect until changed or modified by some other rule made by the said board on file in the office of the Secretary of State, or until the same are changed by general law. Said rules shall be printed under the direction of the Secretary of State, and a certified copy thereof shall be fur-

nished to any one demanding the same upon the payment of such fees as said board may prescribe.

The Governor is hereby directed to issue the necessary proclamation for submitting this amendment to the qualified voters of Texas on the first Tuesday in August, 1897, at which election all voters favoring the amendment shall have written or printed on their tickets, "For amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas," and those opposed to said amendment shall have written or printed on their tickets, "Against amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas."

Approved, March 3, 1897.

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 23, nays 1; and having passed the House by a two-thirds vote, yeas 90, nays 6, the Senate concurred in House amendments.]

S. C. R. No. 15.] CONCURRENT RESOLUTION.

Tendering thanks of the people of Texas to the Honorable Swante Palm for donation of his library to the State University.

Whereas, The Honorable Swante Palm, a distinguished citizen of Austin, and the consular representative of His Majesty, the King of Sweden, at the Texas capital, has manifested his patriotic and generous interest in the intellectual development of the youth of the State, by making to the Texas State University, a free donation of his magnificent library, consisting of rare volumes, valuable manuscripts, and costly works of art; and,

Whereas, it is appropriate that, as an inadequate, but sincere recognition of this splendid gift, the Legislature of this State, representing the whole people, should give formal expression of the people's gratitude to the Honorable Swante Palm; therefore,

Be it resolved by the Senate of the State of Texas, the House concurring: That the people of the State of Texas, without regard to political sentiment, and each constituency speaking through its Senator, and member or members of the House of Representatives, hereby tender to the Honorable Swante Palm, their profound thanks for his splendid gift.

Resolved, that an enrolled copy of this Concurrent Resolution, signed in autograph by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and countersigned by the Governor and Secretary of State, and bearing the impress of the seal of the State, be presented to the Honorable Swante Palm, by a joint committee of two Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives.

Approved, March 4, 1897.

H. C. R. No. 7.] CONCURRENT RESOLUTION.

Empowering the Governor of Texas to call a Cotton Growers' Convention, and inviting delegates from all Cotton growing States.

Whereas, the cotton industry of the South is a most important agricultural product of the United States, and in volume more than sixty-five per cent of the world's product of cotton; and the condition of this great industry, being now depressed by speculators who control and reduce the price, in their own interest, by the following methods, among others:

By offering for sale fictitious cotton called, "futures," at prices uniformly less than the current spot cotton market, which sales of fictitious cotton or contracts to deliver cotton at a future time at lower prices than the actual spot cotton prices, and in which speculators do not intend, and are not compelled to deliver actual cotton, but uniformly pay or receive the monetary difference in the price of futures and spot cotton at the expiration of the contract of delivery; these contracts being cheaper, induce mill men and consumers of the raw material, who heretofore competed in the spot cotton sales, to withdraw from the market, thus fostering a condition which takes from the cotton market, the actual purchaser, destroys legitimate market demand and competition, and leaves the cotton product at the mercy of dictated prices. By flooding the market reports of actual sales of spot cotton with five to ten times the volume of fictitious sales at lower figures, thus producing a constant decrease in the price of real cotton. By operating a gambling enterprise known as the "New York Future Board," in which fictitious cotton is offered for sale in the market at prices sufficiently reduced below spot cotton prices to invite investment, and wherein the said investments are virtually confiscated by arbitrary changes in said quotations, whereby the country is drained of enormous sums of money, and the cotton market fluctuated for gambling purposes, to the great detriment of legitimate trade; thus producing the decline in the price of cotton as observed in our markets since the organization of the New York Cotton Exchange and its "Futures Board;" and

Whereas, The price of labor necessary to raise and market a given quantity of cotton, in comparison with the price of labor necessary to manufacture and market the same quantity of cotton, is of the ratio of two to three, and under legitimate conditions of trade, and estimates most favorable to manufactures, raw cotton should sell for not less than fifty per cent of the manufactured articles, yet the situation is such that the price of cotton has been so depressed by speculation and market gambling until manufactured goods sell for prices from four hundred to fourteen hundred per cent more than the material that composes such goods, and a vast wealth that should be distributed among its producers is annually confiscated by the unbridled greed of speculators; and

Whereas, The history of cotton production shows that the world's demand has increased at a greater ratio than the world's supply, and as measured by the surplus on hand at the end of each cotton season, the surplus has grown less for more than twenty years, proving the falsity of the cry of over-production, as proclaimed by speculators, and reveal-

ing facts that under proper conditions would have made prices steady, and improved during that time; and,

Whereas, These and other conditions make it necessary that legislation be contrived and enacted to relieve cotton producers from these oppressive, unjust and ruinous conditions:

Therefore, be it resolved by the House of Representatives, the Senate concurring, That Governor C. A. Culberson be, and he is hereby empowered to call a legislative convention of the cotton growing States, to meet at Galveston, on the 2nd day of August, 1897, for the purpose of devising and recommending concurrent legislation in the cotton growing States, to the end that this important industry may be relieved from the speculative and gambling influence that oppresses it, and that unlawful interference with the cotton trade be suppressed.

Be it further resolved, That the Governor of Texas appoint from each congressional district in Texas, a representative to said convention, who is versed in the industrial conditions of our State, and two from the State at large, and that his excellency forward copies of this resolution to the respective governors of our cotton growing States, with the request that such governor appoint delegates from the congressional districts of their States to said convention.

Approved, March 20, 1897.

H. C. R. No. 16.] CONCURRENT RESOLUTION.

Favoring improvement by Congressional appropriation of harbor at the mouth of the Brazos River, and opening said river to navigation as far as practicable.

Whereas, a board of engineers, appointed under an act of Congress, have reported that the opening of a harbor at the mouth of the Brazos River is feasible, and that there are valid commercial reasons that justify the general government in undertaking the work, therefore:

Be it resolved by the House of Representatives, the Senate concurring, First. That we favor an appropriation by Congress for the improvement, maintenance and control of said harbor by the government of the United States.

Second. An appropriation for the improvement and opening of the Brazos River to navigation as far as may be found practicable.

Third. That our senators and representatives in Congress are respectfully requested to use their best endeavors to secure such appropriations as may be necessary for these purposes.

Be it further resolved, That the Chief Clerk of the House of Representatives transmit to each of our senators and representatives in Congress a copy of these resolutions.

Approved, March 20, 1897.

H. C. R. No. 17.] CONCURRENT RESOLUTION.

Favoring national aid to the Afro-American Fair and Inter-State Exposition Co.

Whereas, there has been projected and permanently organized and incorporated the worthy institution known as the "Afro-American Fair and Inter-State Exposition Co.," the object of which is the encouragement of the education, the advancement in the arts, sciences and general husbandry of the Afro-Americans residing in the United States, and,

Whereas, the same being of national importance, looking toward the elevation and improvement of said race, now, therefore,

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Afro-American Fair and Inter-State Exposition is worthy of the aid and support of the citizens of the State of Texas and of the United States, and that the same should be encouraged to that extent as will guarantee the permanent and successful operation of the same. That the same being in its character of great national importance should be aided by national legislation and appropriation to such a degree as will assure its success and permanency.

Be it further resolved, That while the organic law of our State forbids appropriations to individuals or corporations for the purposes for which the Afro-American Fair and Inter-State Exposition is organized, yet we recognize its great usefulness, and commend to the people of the State and nation this worthy undertaking.

* Approved, March 26, 1897.

S. C. R. No. 17.] CONCURRENT RESOLUTION.

Authorizing and empowering "The Daughters of the Republic of Texas" to place a Statue of one of the Fathers of Texas in the Hall of Statuary in the national Capitol at Washington, District of Columbia.

Whereas, two spaces in the Hall of Statuary in the national capitol at Washington have been allotted to each State in the Union by act of Congress, for the purpose of doing honor to the illustrious dead of each State; and

Whereas, both of the spaces so allotted to the State of Texas are yet unoccupied; and

Whereas, there is an organization within the State of Texas known as "The Daughters of the Republic of Texas," a corporation composed of the female descendants of the first settlers in Texas, the founders and builders of the great State we have the honor to represent; and

Whereas, "The Daughters of the Republic of Texas" are desirous of placing within one of the allotted spaces, at their own cost and expense, a statue in memory and in honor of one of the Fathers of Texas:

SECTION 1. *Therefore, be it resolved by the Legislature of the State of Texas:* That "The Daughters of the Republic of Texas," acting by and through its duly elected officers, be, and it is hereby authorized to erect and place within one of the allotted spaces assigned to the State of Texas in the Hall of Statuary, in the national capitol at Washington, a statue

representing, and in memory of one of the Fathers of Texas; said statue, before being placed in said Hall of Statuary, to be approved by a State commission consisting of the Governor, the Comptroller, and the Attorney General of the State of Texas.

SEC. 2. That the Legislature of the State of Texas hereby tenders its thanks to Mrs. Anson Jones, Mrs. Andrew Briscoe, Mrs. Rebecca Gil-
leland Fisher, Mrs. Belle Sherman Kendall, Mrs. Minnie Phelps Vasmay,
Mrs. Mary Fenn McKeever, Miss Bettie Ballinger, Miss Belle Fenn, Mrs.
Adele Briscoe Looscan, Miss Hallie Bryan, Mrs. Cornelia Stone, Mrs.
Emily Perry Moore, Mrs. Marie Bennett Urwitz, Mrs. Elizabeth Lock-
hart Landers, Mrs. John Adriance, Mrs. Tennie Hensley Hamilton,
Miss Adina de Zavalla, Mrs. Maggie Tod Milby, Mrs. Lucy Sherman
Craig, and Mrs. Rosine Ryan, for the generous and patriotic purpose ex-
pressed in their desire to keep alive the names and deeds of men who
honored Texas.

Approved, April 3, 1897.

S. C. R. No. 17.A.] CONCURRENT RESOLUTION.

Requesting the Governor of Texas to return to the Senate House Joint Resolu-
tion No 7, entitled "A Joint Resolution ratifying and confirming the action of
the attorneys representing the State of Texas in compromising its claims to
its University lands in McLennan County, Texas," in order that the same may
be presented to the President of the Senate for his signature.

Whereas, at a previous day of the present session of the Legislature,
House Joint Resolution No. 7, being entitled "A Joint Resolution rati-
fying and confirming the action of the attorneys representing the State
of Texas in compromising its claim to its University lands in McLennan
County, Texas," was introduced and passed both the House of Repre-
sentatives and the Senate, and has received the signature of the Speaker
of the House of Representatives and has been presented to the Governor
for his signature, and whereas, by mistake the said resolution was not
presented to the President of the Senate for his signature and was not
signed by him as required by the Constitution of Texas:

*Therefore, be it resolved by the Senate, the House of Representatives con-
curring,* That the Governor of Texas be, and he is hereby requested to
return to the Senate the said resolution in order that it may be presented
to and receive the signature of the President of the Senate.

Approved, April 3, 1897.

H. C. R. No. 19.] CONCURRENT RESOLUTION.

Requesting the Governor to return House Bills, No. 381, and No. 443, for signature of the Speaker to one, and of the Chief Clerk to the other.

Whereas, in signing of enrolled House Bills, No. 381, and No. 443, the name of the Speaker was accidentally omitted from one and the name of the Chief Clerk from the other, which omissions were not discovered until after said bills had been delivered to the Governor:

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the Governor be and [is] hereby respectively [respectfully] requested to return said bills to the House that the omitted signatures may be placed thereon as the law requires.

Approved, April 3, 1897.

H. J. R. No. 7.] JOINT RESOLUTION.

Ratifying and confirming the action of the attorneys representing the State of Texas in compromising its claim to its University lands in McLennan County, Texas.

Whereas, the 16th Legislature of the State of Texas, at its regular session in 1879, passed a joint resolution authorizing and directing the Attorney General to institute and prosecute such legal proceedings as might be necessary to establish the title of the State to its University lands in McLennan and Hill counties, and to remove all clouds upon said title; and

Whereas, The Seventeenth Legislature, at its regular session in 1881, passed an act to provide for the protection of the State to the University lands in McLennan and Hill counties, and authorized the Governor and Attorney General to employ competent counsel to defend the title of the State to said lands; and

Whereas, In pursuance of said resolution and act, the Governor and Attorney General employed counsel who instituted suit in the Nineteenth Judicial District Court of McLennan County, Texas, to recover of Jennie Lewis and a number of others, defendants therein named, fourteen thousand acres of land lying in McLennan County, Texas; and

Whereas, The State's said attorneys compromised said suit with said defendants, whereby the State reclaimed 6533 acres of the said lands for its entire interest in the same, entered by decree of the court in said cause, and the said defendants were given 7022 acres by the terms of the same decree; and

Whereas, The Appellate Courts of our State have held that the State's said attorneys exceeded their authority in making said compromise, and that the same did not affect the title of the State to its said lands; therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That the said compromise made by the said attorneys for the State in said cause, be, and the same is hereby in all things ratified and confirmed.

SEC. 2. That the litigation now being instituted and threatened to be

instituted by parties claiming an interest in said lands, causing the people on said lands unnecessary costs and useless expense, creates a public necessity requiring the constitutional rule for bills to be read on three several days to be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The foregoing joint resolution passed the House by a two-thirds vote, yeas 88, nays 1; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

[NOTE.—The foregoing joint resolution was presented to the Governor of Texas for his approval, on Friday, the twenty-sixth day of March, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. C. R. No. 20.] CONCURRENT RESOLUTION.

Relating to deep water, good harbors, and an open sea, etc.

The fact that deep water, good harbors, and an open sea, now exists at several places on the coast of Texas, and the great difference in distance as compared from our seacoast to that from the far off Atlantic coast to the States mentioned in the said concurrent resolution of the Kansas legislature, making it a forced and unnatural proceeding to carry the immense surplus of agricultural, mineral and manufactured products fifteen hundred miles further to find ships' bottoms, that they may be transmitted to the other countries of the world, thus denying an outlet to large quantities of such products, the cost of transporting being more than their market value; therefore, be it

Resolved, first, by the Senate of the State of Texas, the House of Representatives concurring therein: That we heartily endorse the resolutions of the Kansas legislature in so far as they may lead to the conference mentioned of delegates from the several States, and we would recommend that an invitation be extended to other States west of the Mississippi river to participate in the conference by sending representatives thereto.

Resolved, second: That his excellency, Gov. Culberson, when he is informed of the appointment of delegates from the other States and Territories mentioned to such a conference, to appoint an equal number of our citizens to meet such delegates, who are hereby empowered to present such a report to the next legislature as may enable that body to intelligently deal with the subject of a low rate of freights from all the territory of this vast western region to our seaboard.

Approved, April 15, 1897.

S. J. R. No. 8.]

JOINT RESOLUTION.

To amend Section 3 (three), of Article XI (11), of the Constitution of the State of Texas, so as to authorize certain counties to give aid in the construction of railways.

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That Section 3, of Article XI, of the Constitution of the State of Texas, be amended so that the same shall hereafter read as follows:

Section 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit, except as hereinafter provided.

It shall be lawful for any county in this State lying south of the counties of Jeff Davis, Reeves, Ward, Ector, Midland, Glasscock, Sterling, Coke and Runnels, and south and west of the Colorado river; also, all those counties west of Hardeman, Knox and Haskell, and north of Fisher, Scurry, Borden, Dawson and Gaines; also, the counties of Matagorda and Brazoria, to give aid, by and through its commissioners' court, by the issue of bonds of such county, or other evidences of indebtedness, in the construction of a standard gauge railway or railways into, through or across any such county, when, by a vote of the majority of the qualified voters of any such county, voting at an election held for that purpose, such aid is authorized.

Provided, however, that no such aid as is hereinbefore authorized and provided for shall ever be given or paid to any railroad company, or in aid of any such railway construction, except in proportion to and for such railway or part thereof as shall have been completely constructed and equipped within any such county. And special authority and power is hereby given the commissioners' court of any county within the territory herein prescribed, wherein such aid may be authorized, to levy and collect an annual tax, in addition to any other tax authorized by this Constitution, upon all property in such county subject to taxation, to pay interest on and to create a sinking fund to meet said bonds or other indebtedness created for such purpose; provided, that the aggregate of such tax, in any county, shall never in any one year exceed two per centum upon the assessed valuation of the property in such county.

Full power is hereby given to said commissioners' court of any such county, and it is hereby made its duty, at once, upon the petition thereto of not less than one hundred (100) qualified voters of any such county to at any time order and in all things provide for and regulate such election, and the holding, returns, and determination of the same, and prescribe the form of the ballot to be used.

All bonds or other evidences of indebtedness, issued by any such county under the provisions of this section, shall, before being delivered, negotiated or floated, be approved by the Attorney General of this State, and thereupon the Comptroller of this State shall register the same and endorse the fact of such registry upon said bonds or evidences of indebtedness.

SEC. 2. The Governor is hereby directed to issue the necessary proclamation for submitting this amendment to the qualified voters of Texas on the first Tuesday in August, 1897; at which election all voters favor-

ing the amendment shall have written or printed on their tickets, "For the Amendment to Section 3, of Article XI, of the Constitution of Texas, authorizing all counties in this State lying south of the counties of Jeff Davis, Reeves, Ward, Ector, Midland, Glasscock, Sterling, Coke and Runnels, and south and west of the Colorado river; also, all those counties west of Hardeman, Knox and Haskell, and north of Fisher, Scurry, Borden, Dawson and Gaines; also the counties of Matagorda and Brazoria, to give aid in the construction of railroads by the issuance of bonds or other evidences of indebtedness, when authorized thereto by a majority vote of any such county;" and those opposed to said amendment shall have written or printed on their tickets, "Against the Amendment to Section 3, of Article XI, of the Constitution of Texas, authorizing all counties in this State lying south of the counties of Jeff Davis, Reeves, Ward, Ector, Midland, Glasscock, Sterling, Coke and Runnels, and south and west of the Colorado river; also, all those counties west of Hardeman, Knox and Haskell, and north of Fisher, Scurry, Borden, Dawson and Gaines; also, the counties of Matagorda and Brazoria, to give aid in the construction of railroads, by the issuance of bonds or other evidences of indebtedness, when authorized thereto by a majority vote of any such county."

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 25, nays 2; and having passed the House with amendments, and being referred to a free conference committee, the report of said committee was adopted by both houses, the vote in the Senate being yeas 22, nays none. The certificate of the Chief Clerk of the House does not give the vote on passage of this joint resolution, or on adoption of the free conference report.]

[NOTE.—The foregoing joint resolution was presented to the Governor of Texas for his approval, on Tuesday, the sixth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated, with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. J. R. No. 20.] JOINT RESOLUTION.

To amend Article XI, of the Constitution of the State of Texas, by adding thereto Section 11.

Whereas, the laws of the State of Texas authorize the several counties in this State, through their commissioners' court, to issue bonds for the erection of court houses and jails, and the construction and purchase of bridges; and

Whereas, the statutes of the State of Texas authorize the board of education of said State to invest the permanent school fund thereof in bonds issued for the purposes aforesaid by the said counties; and

Whereas, the board of education of this State, in pursuance of said statutory authority, has purchased as an investment for the permanent school fund of the State of Texas, bonds approximating three million dollars; and

Whereas, the Constitution of the State of Texas provides that no debt for any purpose shall ever be incurred in any manner for any city or county unless provision is made at the time of its creation for the levying and collecting of a sufficient tax to pay the interest thereon, and provide at least two per cent. as a sinking fund; and

Whereas, it is believed that some of the bonds so purchased by the State board of education as an investment for the permanent school fund were not issued in conformity with that provision of the Constitution, and it is doubtful whether proper provision was made at the time of the attempted creation of said debt, evidenced by said bonds, for the levy of a tax to secure the payment of interest and the creation of a sinking fund, and that some of said bonds may therefore be held invalid by the courts;

Therefore, Be it resolved by the Legislature of the State of Texas: That Article XI, of the Constitution of the State of Texas, be amended by adding thereto the following, which shall be denominated "Section 11."

Section 11. That all bonds heretofore issued by the several counties of Texas for the purpose of the erection of court houses and jails, and for the purchase or construction of bridges, and that have been purchased by the proper authorities of the State of Texas as an investment for the permanent school fund of said State, and that at the time of the creation of said debt, evidenced by said bonds, the provision for the levy of a tax for the payment of the interest and the creation of a sinking fund was not made, shall not be for that reason held to be invalid; but said bonds are hereby validated, and are hereby made valid debts against the several counties by which they were issued.

Be it further resolved: That this amendment shall be submitted to a vote of the qualified electors of the State of Texas on the first Tuesday in August, 1897, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words, "For the amendment to Article XI, of the Constitution, validating bonds held by the State as an investment for the permanent school fund;" and all voters opposing said amendment shall write or have printed on their ballots the words "Against the amendment to Article XI, of the Constitution, validating bonds held by the State as an investment for the permanent school fund."

And that the governor of the State is hereby directed to issue the necessary proclamation for said election, and have same published as required by the Constitution and existing laws of the State.

Approved, April 22, 1897.

[NOTE.—The foregoing joint resolution passed the House by a two-thirds vote, yeas 93, nays 2; and passed the Senate by a two-thirds vote, yeas 21, nays none.]

S. C. R. No. 22.] CONCURRENT RESOLUTION.

Granting to the 8th Texas Cavalry Association, known as Terry's Texas Rangers, the right to place in the Capitol grounds a monument to their heroic dead.

Be it resolved by the Senate, the House of Representatives concurring: That the 8th Texas Cavalry Association, known during the Confederate War as Terry's Texas Rangers, be, and they are hereby granted permission to erect, at the expense of said association, a monument in commemoration of their dead comrades, on the Capitol Grounds in the City of Austin, and that the Superintendent of Public Buildings and Grounds be authorized to select a site for said monument.

[NOTE.—The foregoing concurrent resolution was presented to the Governor of Texas for his approval, on Friday, the sixteenth day of April, A. D. 1897, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. C. R. No. 13.] CONCURRENT RESOLUTION.

Relating to Lease of Temporary Capitol.

Whereas, the lease on the Temporary Capitol owned by the State will expire on July 1st, 1897; therefore,

Be it resolved by the House of Representatives, the Senate concurring, that the Superintendent of Public Buildings and Grounds is hereby authorized and empowered to lease the same for a period not to exceed five years, together with any other lot, parts of lots or lands belonging to the State situated in the City of Austin.

Approved, April 30, 1897.

Takes effect 90 days after adjournment.

S. C. R. No. 16.] CONCURRENT RESOLUTION.

Relating to destruction of property at Brenham, Texas, in the year 1866, by United States Soldiers garrisoning the town.

Whereas, at Brenham, in Washington County, in this State, on the seventh day of September, 1866, more than a year after the war between the States had ended, soldiers of the United States, garrisoning the town, led by the commander of the post, burned and destroyed a block of houses embracing the largest and most valuable buildings and business establishments in the town, together with the contents of the buildings—an act of spoliation for which the United States would have demanded prompt and ample indemnity if it had been committed upon citizens of the United States in any foreign country by the soldiers of that country,

and for which the United States government would have made prompt and ample indemnity to the persons injured, if it had been committed in this country by our soldiers, upon citizens of any foreign government; and

Whereas, immediately after the act was committed, while the facts could be readily and fully ascertained, the Legislature of this State, then in session, caused an investigation to be made by a committee of the two houses, which committee reported to the Legislature the persons injured, and value of property destroyed to be:

Francis D. Allen	\$5,000 00
Allen & Newman	3,500 00
C. R. Breedlove, Agt. for V. Little.....	1,500 00
McGary & Roff (D. L. McGary and N. B. Roff).....	5,000 00
Sam Levinson	27,800 00
D. L. McGary	500 00
J. B. Campbell	700 00
Compton Bros.	25,000 00
Norris & McNeese.....	35,000 00
Pressler & Roff	2,500 00
C. & J. Stephenson.....	1,000 00
H. C. Surghnor	600 00
Wilkins & Stephenson	15,141 00
John B. Wilkins	9,000 00
Wyatt & McCrocklin	1,500 00

Therefore, by the Senate and House of Representatives of the State of Texas, be it resolved, That the Texas Senators and Representatives in Congress be and are hereby requested to use their best endeavors to secure from the United States Government, by act of Congress, indemnity and payment to the citizens of Brenham, or their legal representatives, for the property destroyed.

Resolved, that the Secretary of State is hereby instructed to forward to each Texas Senator and Representative in Congress a certified copy of this resolution.

[NOTE.—The foregoing concurrent resolution was presented to the Governor of Texas for his approval, on Friday, the sixteenth day of April, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. J. R. No. 19.] JOINT RESOLUTION.

Permitting the Hon. T. H. Conner, Judge of the 42nd Judicial District of Texas, to leave the limits of the State for a period of sixty days, on account of important business.

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That whereas, the Hon. T. H. Connor, judge of the 42nd judicial district of Texas, has important business outside of the State of Texas demanding his personal attention; therefore,

SEC. 2. The said T. H. Connor, judge as aforesaid, be and is hereby permitted to go beyond the limits of the State of Texas for a period of sixty days from and after the passage of this joint resolution.

SEC. 3. The nature of the business of the said judge being of a pressing and urgent character, and the crowded condition of the calendar of both the Senate and the House, and the early adjournment of the legislature, create an emergency, and an imperative public necessity exists requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this resolution take effect from and after its passage, and it is so enacted.

Approved, May 12, 1897.

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 28, nays none; and passed the House, vote not given.]

H. C. R. No. 30.] CONCURRENT RESOLUTION.

Granting Hon. J. M. Hall, Judge of the 18th Judicial District, sixty days leave of absence from the State.

Whereas, the Hon. J. M. Hall, District Judge of the 18th Judicial District, is at this time in very bad health, and desires to leave the State on or about the first day of June, 1897, for the purpose of regaining his health;

Therefore, be it resolved by the House of Representatives, the Senate concurring, that the said Hon. J. M. Hall, District Judge of the 18th Judicial District, be and is hereby allowed to leave the State for a period of sixty days, from the first day of June, 1897, until the first day of August, 1897.

Approved, May 19, 1897.

S. J. R. No. 16.] JOINT RESOLUTION.

Granting leave of absence from the State to Judge Eugene Archer.

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That Judge Eugene Archer, judge of the 38th judicial district of Texas, be and is hereby granted leave of absence from the State for a period of sixty days, at any time between the 25th day of April and the 1st day of December, 1897, on account of serious illness.

Resolved, further, that the fact Judge Eugene Archer is in ill health and badly needs a change of climate, and the fact that the health of one of the State's district judges is imperiled, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days be suspended, and that this resolution take effect and be in force from and after its passage, and it is so enacted.

Approved, May 21, 1897.

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 21, nays none; and passed the House, vote not given.]

S. J. R. No. 20.] JOINT RESOLUTION.

Granting leave of absence for sixty days from the State of Texas, to Hon. W. M. Allison. Judge of the Thirty-Third District of Texas.

Whereas, Hon. W. M. Allison, Judge of the Thirty-third Judicial District of Texas, on account of ill health, desires a leave of absence for sixty days from the State of Texas; therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That said W. M. Allison be and he is hereby granted a leave of absence from the State of Texas for the period of sixty days.

SEC. 2. The near approach of the close of the session, and the crowded condition of the calendar, create an emergency, and an imperative public necessity exists that the constitutional rule requiring bills and resolutions to be read on three several days be and the same is hereby suspended, and that this resolution be in effect from and after its passage, and it is so enacted.

Approved, May 22, 1897.

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 23, nays none; and passed the House, vote not given.]

H. C. R. No. 34.] CONCURRENT RESOLUTION.

Authorizing and directing the State Printing Board to contract for a reprint of such appellate court reports as are now out of print, and also such as may hereafter become out of print, or nearly so; and providing certain conditions and limitations in relation to such contract, and the manner of letting the same.

Whereas, many of the volumes of the Supreme Court reports of the State of Texas are now out of print, and the State's supply therefor has been exhausted; and

Whereas, many other volumes of said reports are now nearly exhausted, and doubtless will be entirely so at no very distant time; and

Whereas, other volumes of which a sufficient supply is now on hand are likely to become insufficient to supply the demand therefor; and

Whereas, the State owns and has on hand the stereotyped plates for many of said volumes; and will have others; and

Whereas, the State Printing Board is without authority to contract for a reprint of said reports; therefore,

Be it resolved by the House of Representatives, the Senate concurring, that the State Printing Board be and the same is hereby authorized, empowered and directed to make such contract or contracts as may be necessary to secure a reprint of such of said reports as are now exhausted, or nearly so, and such as may hereafter become exhausted, or nearly so; provided, that the reprinting of said reports shall be done without cost to the State; and provided, further, that such contract or contracts shall stipulate that the State and the publisher or publishers of said reports shall sell the same at the same price, such price not to exceed the sum of two dollars (\$2.00) per volume, and such volume to be printed and bound in a style equally as good as the current numbers of said reports; and provided, further, that this resolution shall also apply to the Courts of Civil Appeals reports and the Court of Criminal Appeals reports, should said Board find a reprint thereof advisable and necessary; and provided, further, that such contract shall be let to the best bidder after such publication for bids therefor as the said Board may think proper, and shall require that said reports be printed within this State.

Approved, May 22, 1897.

S. J. R. No. 13.] JOINT RESOLUTION.

To amend Section 24, of Article 3, of the Constitution of the State of Texas.

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That Section 24, of Article 3, of the Constitution of the State of Texas, be so amended as hereafter to read as follows:

Section 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day for the first one hundred days of each session, and after that; not exceeding three dollars per day for the remainder of the session. In addition to the per

diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or other routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 2. The governor is hereby directed to issue the necessary proclamation for submitting this amendment to the qualified voters of Texas, at the next general election, at which election all voters favoring the amendment shall have written or printed on their tickets, "For amendment to Section 24, of Article 3, of the Constitution of Texas, relating to compensation of members of the legislature," and those opposed to said amendment shall have written or printed on their tickets, "Against amendment to Section 24, of Article 3, of the Constitution of the State of Texas, relating to the compensation of members of the legislature."

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 21, nays 1; and passed the House with amendments by a two-thirds vote, yeas 89, nays 7; and being referred to a free conference committee, the report of said committee was adopted by a two-thirds vote in both houses, the vote being, in the Senate, yeas 24, nays 4, in the House, yeas 90, nays 16.]

[NOTE.—The foregoing joint resolution was presented to the Governor of Texas for his approval, on Thursday, the twentieth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

H. J. R. No. 34.]

JOINT RESOLUTION.

To amend Section 51, of Article 3, of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and dependent Confederate soldiers and sailors, and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors.

SECTION 1. *Be it resolved by the Legislature of the State of Texas:* That Section 51, of Article 3, of the Constitution of the State of Texas, be so amended as to hereafter read as follows:

ARTICLE 3.

Section 51. The legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, associations or individuals, municipal or other corporations whatsoever; provided, however, the legislature may grant aid to indigent and dis-

abled Confederate soldiers and sailors who came to Texas prior to January 1st, 1880, and who are either over sixty years of age, or whose disability is the proximate result of actual service in the Confederate army for a period of at least three months, their widows in indigent circumstances who have never re-married, and who have been bona fide residents of the State of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1866; provided, said aid shall not exceed eight dollars per month; and provided, further, that no appropriation shall ever be made for the purpose hereinbefore specified in excess of two hundred and fifty thousand dollars for any one year. And also grant aid to the establishment and maintenance of a home for said soldiers and sailors, under such regulations and limitations as may be provided by law; provided, the grant to aid said home shall not exceed one hundred thousand dollars for any one year; and no inmate of said home shall be entitled to any other aid from the State; and provided, further, that the provisions of this section shall not be construed to prevent the grant of aid in case of public calamity.

SEC. 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday in November, 1898; when those favoring the amendment shall have written or printed on their ballots, "For the amendment to Section 51, of Article 3, of the State Constitution." Those opposing the amendment shall have written or printed upon their ballots, "Against the amendment to Section 51, of Article 3, of the State Constitution."

[NOTE.—The foregoing joint resolution passed the House by a two-thirds vote, yeas 96, nays 9; and passed the Senate by a two-thirds vote, yeas 22, nays 6.]

[NOTE.—The foregoing joint resolution was presented to the Governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

CERTIFICATE.

**THE STATE OF TEXAS,
DEPARTMENT OF STATE.**

I, J. W. Madden, Secretary of State of the State of Texas, certify that the foregoing laws and resolutions, passed at the regular session of the Twenty-fifth Legislature, have been carefully examined and compared with the original enrolled bills, now on file in this department, and are true copies of said originals.

I further certify that the Twenty-fifth Legislature convened in the city of Austin January 12, A. D. 1897, and adjourned May 21, A. D. 1897.

In testimony whereof, I have subscribed my name and
[SEAL.] have hereto affixed the seal of the State of Texas, in the
City of Austin, this July 30th, A. D. 1897.

**J. W. MADDEN,
Secretary of State.**

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GENERAL LAWS OF THE STATE OF TEXAS

PASSED AT THE
FIRST CALLED SESSION
OF THE
TWENTY-FIFTH LEGISLATURE

CONVENED AT
THE CITY OF AUSTIN, MAY 22, 1897,
AND
ADJOURNED JUNE 20, 1897.

*WITH THE GOVERNOR'S PROCLAMATION AND
SPECIAL MESSAGES.*



AUSTIN:
BEN C. JONES & CO., STATE PRINTERS
1897

PROCLAMATION AND MESSAGES.

PROCLAMATION BY THE GOVERNOR OF TEXAS.

EXECUTIVE OFFICE,
AUSTIN, May 21, 1897.

To whom it may concern:

Whereas, the Twenty-fifth Legislature has adjourned without making an appropriation to pay existing debts; and

Whereas, said Legislature has failed to make appropriations for the support of the State government for the next two years and for other needful purposes within the revenue to be collected for that period; and

Whereas, said Legislature has failed to enact other important legislation demanded by the people:

Now therefore, I, Charles A. Culberson, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution thereof, do hereby call a special session of the Twenty-fifth Legislature, to be convened in the city of Austin, beginning at noon, Saturday, May 22d, 1897, for the following purposes:

1. To make appropriations for deficiencies.
2. To make appropriations for the support of the State government for the two years beginning March 1, 1897, and for other purposes as is usual in general appropriation bills, and to reduce expenses.
3. To fix and regulate the fees and compensation of district attorneys and all county and precinct officers.
4. To amend the present law on the subject of fellow-servants or abrogate the doctrine of fellow-servants in this State.
5. To consider and act upon such other matters as may be presented pursuant to section 40, article 3, of the Constitution.

In testimony whereof, I have hereunto set my hand and caused the seal of State to be affixed, this the 21st day of May, A. D. 1897.

C. A. CULBERSON,
Governor of Texas.

[Seal.]

By the Governor:
J. W. MADDEN, Secretary of State.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
AUSTIN, Texas, May 31, 1897.

To the Senate and House of Representatives:

During the past week the town of El Paso and immediate vicinity, in this State, was partially overflowed by a sudden and unprecedented flood.

The homes of hundreds of people were destroyed, and great destitution in consequence prevails. On Saturday last, too late for investigation and action, the mayor of El Paso telegraphed me as follows: "Five hundred homes destroyed by flood. Three thousand, mainly of our poorest, homeless. Citizens not damaged overwhelmed by demands on their charity. Many will suffer hunger and perhaps death if not relieved at once. Will you call our situation to the attention of the Legislature and have the State assist its suffering citizens." On yesterday, the following telegram in answer to one sent by me was received from Senator Turney at El Paso, who represents that senatorial district: "Ours is a condition demanding State aid. I will be with you Tuesday and help arrange for proper distribution." From these telegrams, and information derived from the public press, it appears that the destruction of property by this flood is a public calamity, within the meaning of section 51, article 3, of the Constitution. It is, therefore, respectfully recommended that an appropriation be made, which shall be immediately available, for the relief of citizens of this State who have suffered by such overflow, to be distributed under the direction of such officials as may be named in the act of appropriation. The members of the House of Representatives from El Paso and contiguous counties are of the opinion, in view of private and congressional aid, that \$5000 will be sufficient for the purpose.

C. A. CULBERSON.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
AUSTIN, Texas, June 14, 1897.

To the Senate and House of Representatives:

For the purposes of legislation at this session, your attention is respectfully invited to the following subjects:

1. A general occupation tax law.
2. Measures to encourage the establishment of factories.
3. The railway gate system now in operation on some of the railroads of the State.
4. To fix the time for holding court in the Thirty-eighth judicial district, so as to avoid the *hiatus* created by laws passed at the regular session.
5. Amend article 3051, Revised Statutes, so that the Commissioner of Insurance shall have full and needful authority to make examination of the books and business of insurance companies.
6. Require the payment of all county taxes in current money, except such as may be paid in coupons and other indebtedness under section 6, article XI, of the Constitution.
7. Amend article 1331 of the Revised Statutes, as specially recommended and urged by the Supreme Court, so as to provide a simple and expeditious method for the decision of controverted questions of fact by special verdicts of juries.
8. Amend the law with reference to the expenditure of the available school fund, so that this fund may be economically and properly dis-

tributed for strictly school purposes, and regulate the taking of the scholastic census in order that existing fraudulent methods may be corrected. Fraud in the scholastic census is resorted to in order to secure an unjust and unequal share of this fund, and it is becoming more general and scandalous. In one city in the State the net gain in scholastic population, as reported, exceeds 2000 for the present as compared with the previous year.

9. The good name of the State, respect for our governmental institutions and sentiments of humanity demand that mob violence be suppressed. Its growth is alarming and ominous. For a time the sole objects of its vengeance were those charged with criminal assault upon females, and thus found some measure of provocation and apology in manly and chivalric instincts. Taking encouragement from this toleration, it now seeks to judge and punish for murder, and in a recent instance, in Waller county, was used for the suppression of testimony. It has reached that stage in this State where it is an indictment of the whole people and a defilement of their civilization. Experience makes it plain that ordinary judicial machinery is inadequate, and if it is to be destroyed and the State spared further debasement extraordinary measures must be adopted. That my views of the means necessary and feasible may be more clearly presented, a bill is submitted herewith for your consideration. The salient features of the act are, (1) speedy punishment for rape, thus removing any cause for mobs; (2) legal denunciation of the participants in mobs as murderers, to be punished accordingly; and (3) removal from office of any officer who, under any circumstances, permits a prisoner to be executed by a mob. The enormity of the offense of rape, and the delay incident to our present judicial system, are the most common excuses for mob violence. Under existing law, it often happens that an indictment can not be returned for months, and the trial afterwards is subject to vexatious delay. The bill submitted authorizes the finding of an indictment immediately in any county in the judicial district of the offense where the court may be in session, and, if not in session, then in the first county in the district in which a court is held. A speedy trial is then provided for, and precedence is given over all other cases in all courts. Besides the menace to criminals which it offers in swift and ignominious punishment, this would remove all pretext for the populace to take the law in their hands. If, in plain violation of the law, they nevertheless take human life and cruelly deny to an accused the opportunity to offer proof of innocence, they are guilty of murder, and their punishment should at least be rendered probable by fixing the venue of the prosecution in other counties than their residence. The jail and the court house represent public law. An attack upon them questions the capacity of the people for self government, and is an assault upon civilization itself. The sacrifice of human life by mobs, the victims sometimes innocent and often their guilt in doubt, is appalling, but the disavowal of legal restraint and the trampling under foot of organized government which they involve is far more portentous. The officer charged with their preservation, who, under any conditions, will permit the civil institutions of a Christian people to be thus assailed and desecrated is unworthy the trust. That removal proceedings may be effectual, they should be directed by the Attorney General in counties

free from the influences which would necessarily embarrass or defeat them. Obviously, the officer should be rendered ineligible to re-election or appointment, for, otherwise removal would be a farce.

C. A. CULBERSON.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
AUSTIN, Texas, June 18, 1897.

To the Senate and House of Representatives:

The adjournment of the Legislature, now practically at hand, affords a fitting opportunity to state briefly the more important work of the regular and special sessions. Among those measures of public benefit enacted into law to which the Legislature was not publicly pledged are the following:

1. Many measures affecting roads, bridges, schools, and other purely local matters.

2. Providing for the acquisition of the battle ground of San Jacinto as commemorative of the heroism of the founders of the State.

3. Corrections of inaccuracies and omissions in the Revised Statutes almost inseparably incident to work of such volume.

4. Protection of the live stock interests by amendment of the Sanitary Commission law; requiring the inspection of sheep for the prevention of scab, and guarding against the spread of glanders in horses.

5. Important land measures, authorizing the Commissioner of the Land Office to forfeit land sales for the non-payment of interest; validation of office forfeitures by the Commissioner; and validation of land titles where the locations were made under Confederate certificates and sales made of supposed detached and isolated sections, though not such in fact.

6. Measures relating to internal improvements, providing for the condemnation of lands by dock and channel companies; and drainage systems, both of a general character and as applicable specially to public roads.

7. Measures to equalize the burden of taxation by increasing taxes on life insurance companies and other corporations that pay practically no ad valorem taxes.

8. Measures affecting society and the public peace, such as regulating the carrying of concealed weapons; prohibiting the giving or selling of liquor to minors; defining and prohibiting cold storage; prohibiting the sale of immoral publications; expulsion of minors from billiard and pool rooms; prohibiting the sale of deadly weapons to minors; and regulating and taxing the sale of liquor by druggists in prohibition districts.

9. Measures of importance and general interest, such as the regulation of fidelity and surety companies; further protecting the homestead by prohibiting the garnishment of the proceeds of its sale; protecting depositors in the banks; preventing deficiencies in appropriations; publishing exhausted Supreme Court reports; authorizing the Railroad Commission to make emergency freight rates; regulating the practice of den-

tistry; protection of game; preventing continuances in civil cases except for cause; amending the assessment law so that money, notes, bonds and other property fraudulently sent out of the State on January 1st to evade taxation shall nevertheless be assessed for taxes; amending the Constitution so as to validate county bonds held by the permanent school fund where the school money was used by the counties or inured to their benefit in the construction of jails, bridges and court houses; providing for the adoption of uniform primary text-books in the public free schools; and drastic laws for the suppression of mob violence.

With one material exception, all the pledges made the people in the Democratic platform have been redeemed, as will appear from the following summary:

1. Express companies are required to maintain general offices in the State.

2. Higher education has been advanced by enlarging the facilities of the Sam Houston Normal Institute, the Agricultural and Mechanical College, and the University.

3. Asylum room which will accommodate 700 additional patients has been provided.

4. The Confederate Home has been improved and material enlargement of its benefits has been arranged.

5. Provision has been made to survey and set apart 50,000 acres of land for a branch university for the colored people.

6. The sale of the remaining public lands has been facilitated in reduction of the price and otherwise, by which, while maintaining the policy of disposing of the land to actual settlers, the school fund should be speedily increased.

7. The benefits of the mechanics' lien have been extended to clerks, accountants, bookkeepers, artisans, craftsmen, factory operatives, servants, quarrymen, farm hands and common laborers.

8. A fellow-servant law has been enacted which gives just protection to railway employes against corporate negligence.

9. Important and radical amendments to the Code of Criminal Procedure have been made, which will sensibly reduce public expenditures and arrest miscarriages of justice.

10. Expenditure of the school fund has been confined more distinctly to strictly school purposes, so that the total school apportionment for the compensation of teachers will be materially greater than heretofore.

11. A comprehensive bill fixing and reducing the fees of district and county officers has been passed, which must challenge public favor. The bill in its general operation affects sixty-three counties, those voting over 3000, but in some respects it operates upon all. With reference to litigants, those having business in the courts, the reduction of fees is not horizontal, and many are left unchanged, only those regarded as excessive having been reduced. The reduction of the fees of sheriffs and clerks of the district and county courts paid by litigants will probably average 20 per cent. Conservative estimates place the saving to counties in the limitation feature of the bill at \$40,000 and on collection of taxes at \$25,000 annually. In fees paid by the State, the reduction annually, it is estimated, will be \$5000 in collection of taxes; \$10,000 by restricting the issuance of subpoenas; \$10,000 cost of attached witnesses; \$10,000 limiting attachment of witnesses before grand juries, and \$50,000 in fees

paid sheriffs, attorneys, constables, and district clerks in felony cases, aggregating \$85,000 annually. Besides this, the fees of assessors are reduced and the payment by the State and the counties for assessment equalized.

12. The pledge of economy in public expenditures has been fully met in appropriations. The general appropriation bill passed at the special session carries appropriations for two years amounting to \$4,384,855.90. This is \$395,137.49 less than the total appropriations made in the bill which was disapproved at the regular session. But the face of the bill does not fully show the economy which has been exercised. Of the total amount appropriated, \$149,129, money refunded on the Bacon & Graves land suit, paid into the treasury in 1891, can in no just sense be charged to the support of the government for the next two years. If this sum be taken from the aggregate of appropriations, it will leave \$4,235,295.90, which is \$117,000 less than the general appropriation bill for the past two years and \$745,000 less than for the two years ending February 28, 1895. When to this is added \$50,000 heretofore paid out of the available school fund for the support of the Normal Institute and Department of Education, and \$172,000 for the erection of new buildings at the Colored Asylum, Orphan's Home, the Agricultural and Mechanical College and the Terrell and San Antonio asylums, aggregating \$220,000, the full measure of retrenchment will be seen.

Looking to the work of both sessions it can be said without extravagance that it has been the fortune of few Legislatures to contribute so much to the general welfare, and for the work done you are entitled to the commendation and gratitude of the people.

C. A. CULBERSON.

GENERAL LAWS
OF
THE STATE OF TEXAS

PASSED AT THE
SPECIAL SESSION
OF THE
TWENTY-FIFTH LEGISLATURE

CONVENED AT
THE CITY OF AUSTIN, MAY 22, 1897,
AND
ADJOURNED JUNE 20, 1897.



AUSTIN:
BEN C. JONES & CO., STATE PRINTERS
1897

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GENERAL LAWS OF TEXAS.

FIRST SPECIAL SESSION TWENTY-FIFTH LEGISLATURE, 1897.

H. B. No. 3.]

CHAPTER 1.

An Act making an appropriation for the per diem pay of members, officers and employes of the first called session of the Twenty-fifth Legislature of the State of Texas, convened May 22nd, 1897, by proclamation of the Governor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of thirty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the payment of the per diem pay of the members, officers and employes of the first called session of the Twenty-fifth Legislature of Texas, convened May 22nd, 1897, by proclamation of the Governor.

SEC. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the treasury for the respective amounts.

SEC. 3. Whereas, the called session of the Twenty-fifth Legislature, for the payment of the members, officers and employes of which this law is enacted, is now in session, and public policy requires their payment, therefore an imperative public necessity exists that the rule requiring this bill to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, May 29, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 86, nays none; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

H. B. No. 18.]

CHAPTER 2.

An Act for the immediate relief of the citizens of the city of El Paso and El Paso County, who are suffering from the overflow of the Rio Grande, during the past week, and to appropriate five thousand dollars therefor.

SECTION 1. Whereas, the unprecedented rise in the waters of the Rio Grande have, within the past week, caused a large portion of the City of El Paso and the surrounding country to be flooded, thereby causing

great destruction of property, especially so in the City of El Paso, rendering homeless thousands of the citizens of said city;

Whereas, the destitute people are in great need of food and clothing, creating demands upon the city for relief beyond its power to comply with immediately; therefore,

Be it enacted by the Legislature of the State of Texas: That the sum of five thousand dollars (\$5000), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the immediate relief of the said citizens of El Paso city and county, who are suffering from said flood; said money to be expended under the direction and supervision of the County Judge of El Paso County, together with the mayor of the City of El Paso; said money to be paid out on warrants of the Comptroller, which warrants shall be issued on certificates of said Judge and Mayor within sixty days from the passage of this act.

SEC. 2. The great flood which swept a portion of said city and vicinity within the last few days is hereby declared to be a great public calamity, and an emergency and an imperative public necessity exist requiring that the constitutional rule which requires that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 2, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 88, nays none; and passed the Senate by a two-thirds vote, yeas 24, nays none.]

H. B. No. 21.]

CHAPTER 3.

An Act making an appropriation to defray the contingent expenses of the first called session of the Twenty-fifth Legislature, convened May 22nd, 1897, by proclamation of the Governor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the contingent expenses of the first called session of the Twenty-fifth Legislature, convened May 22d, 1897, by proclamation of the Governor, and that the approval by the chairman of the Committee on Contingent Expenses of either House, countersigned by the President of the Senate or Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

SEC. 2. That the public importance of the objects herein contemplated, creates an imperative public necessity and emergency, fully authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Approved, June 15, 1897.

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 87, nays none; and passed the Senate by a two-thirds vote, yeas 21, nays 1.]

S. B. No. 5.]

CHAPTER 4.

An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1st, 1895, to February 28th, 1897, and for previous years, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for deficiencies incurred in support of the State government for the period beginning March 1, 1895, and ending February 28, 1897, and for previous years:

NORTH TEXAS INSANE ASYLUM.

	Registered.	Estimated.
Wagons, hacks and harness for year ending February 28, 1895	\$34 63	

JUDICIARY DEPARTMENT.

Fees and costs of sheriffs, clerks and attorneys, in felony cases	38,788 00	\$4,000 00
Fees of county judges, justices of the peace, sheriffs and constables, in examining trials...	2,616 00	1,000 00
Fees of attached witnesses	47,264 19	1,500 00
Fees of clerks in civil cases	3,379 17	100 00
Fees of attorneys in civil cases	11,931 00	400 00

COURT OF CRIMINAL APPEALS.

Clerks' fees in criminal cases, year ending February 28, 1896	610 00	
Clerks' fees in criminal cases, year ending February 28, 1897	970 00	500 00
Contingent expenses, year ending February 28, 1896	2 45	

COURT OF CIVIL APPEALS, SECOND DISTRICT.

Contingent expenses, year ending February 28, 1896	3 43	
Contingent expenses, year ending February 28, 1897	41 60	
Postage, year ending February 28, 1897.....	8 70	
Stationery, year ending February 28, 1897.....	28 40	

TEXAS LIVE STOCK SANITARY COMMISSION.

	Registered.	Estimated.
Year ending February 28, 1897.....	994 40	

MISCELLANEOUS.

Refund to purchasers of public domain, 1896-7, where in accordance to the certificate of the Commissioner of the General Land Office it is shown that because of conflict, erroneous sales, and other causes, patents can not issue; said claims to be approved by the Attorney General and Governor	843 16	
Relief of liquor dealers prior to 1895	890 40	
To Lawrence Smith, for services as guard at Camp Mabry, for five months, at \$35 per month	175 00	
For relief of W. Y. Robinson, sheriff of San Jacinto county, for fees April and October terms of court, 1895, and April term, 1896, he having failed to present the account to the Comptroller for payment within the time prescribed by law	763 45	
Groceries, drugs, shoes, and other expenses for State Orphan's Asylum	1,716 16	
G. B. Martin, sheriff of King county, for guarding infected stock under the direction and by order of the live stock sanitary officers.....	12 50	

SEC. 2. Whereas, there being no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule which requires bills to be read on three several days in each house, and this act should take effect from and after its passage, and it is so enacted.

Approved, June 15, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; passed the House, with amendments, by a two-thirds vote; and was referred to a free conference committee, the report of which was adopted by the Senate, vote not given, and was adopted by the House by a two-thirds vote, yeas 89, nays 1.]

S. H. B. 6 & 19.]

CHAPTER 5.

An Act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes; and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter, in all the counties in this State, where there shall have been cast at the next preceding presidential election 3000 votes or over, the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more:

SEC. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of \$8. For each transcript on appeal or change of venue, 8 cents for each 100 words. For each felony case finally disposed of without trial, or dismissed or nolle prosequi entered, \$8. For recording each account of sheriff, the sum of 50 cents. For entering judgment in habeas corpus cases, 80 cents; and for taking down testimony and preparing transcript in habeas corpus cases, 8 cents for each 100 words; but the fees in habeas corpus cases shall, in no event, exceed \$8 in any one case.

SEC. 3. The district or county attorneys shall receive the following fees:

1. For all convictions in cases of felonious homicide, when the defendant does not appeal, or dies, or escapes after appeal and before final judgment of the Court of Criminal Appeals, or, when upon appeal the judgment is affirmed, the sum of \$40.

2. For all convictions of felony when the defendant does not appeal, or dies, or escapes after appealing and before final judgment of the Court of Criminal Appeals, or, when upon appeal, the judgment is affirmed, the sum of \$24; provided, that in all convictions of felony where the verdict and judgment is confinement in the House of Correction and Reformatory, the fees of the district or county attorney shall be \$12.

3. For representing the State in each case of habeas corpus where the defendant is charged with felony, the sum of \$16.

SEC. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or capias, or for making arrest without warrant, when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provided for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For summoning jury in each case where jury is actually sworn in, \$1.60.

4. For executing death warrants, \$40.

5. For removing a prisoner, for each mile going and coming, including

guards and all other necessary expenses when traveling by railroad, 8 cents; when traveling otherwise than by railroad, 12 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing shall only be allowed 8 cents per mile for each additional prisoner; provided, further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip. He shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional only as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat, or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his accounts shall show the facts.

7. To officers for service of criminal process not otherwise provided for, the sum of 4 cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in subdivision 6 shall apply.

8. For conveying a witness attached by him to any court, or in any habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, \$1 per day for each day actually and necessarily consumed in going and returning from such courts, and his actual necessary expenses by the nearest practicable route, or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to the nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid, and length of time consumed and amount paid out for feeding horses and to whom. If meals and lodging were provided, from whom, and when, and price paid; provided, that officers shall not be entitled to receive exceeding 50 cents per meal and 35 cents per night for lodging for any witness; and provided, further, that no item or items for expenses shall be allowed unless the officer shall present with his account to the officer whose duty it is to approve same a receipt in writing for each item of said account, except as to such items as are furnished by the officer himself; and when meals and lodgings are furnished by the officer in person conveying a witness he shall be allowed to receive not exceeding 25 cents per meal and 25 cents per night for lodging. All of the said receipts shall be filed with the clerk of the court approving such account. Said account shall also show, before the said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witnesses to the foreign court, he carried each of them before the magistrate nearest the place of serving the attachment, giving his

name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness; and said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just, and correct in every particular, and present the same to the judge, who shall, during such term of court, carefully examine such account, and if found to be correct in whole or in part, shall so certify and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute part of the proceedings or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due and the same shall constitute a voucher, on which the Comptroller is authorized to issue a warrant, and such minutes of the court, or a certified copy thereof, may be used in evidence against the officer making the affidavit, for perjury, in case said affidavit shall be willfully false. When the officer receiving the writ for the attachment of such witness, shall take a bond for the appearance of such witness, he shall be entitled to receive from the State \$1 for each bond so taken; but he shall be responsible to the court issuing said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent sureties, and said bond shall in no case be less than one hundred dollars; provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held, at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured, except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses, not to exceed the number for which the sheriff may receive pay, as provided for below, to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court. Subdivision 8 of section 4 of this act shall apply to the officers affected thereby in all the counties in Texas.

9. For attending a prisoner on habeas corpus, for each day, \$1.60, together with mileage, as provided in subdivision 5, when removing such prisoner out of the county, under an order issued by a district or appellate judge.

SEC. 5. All fees accruing under this act shall be due and payable at

the close of each term of the district court after approval, except as provided for in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in all cases when the defendant shall be finally convicted of a misdemeanor, the sheriff or constable shall be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such cases, and the said sheriff or constable and their bondsmen shall be responsible to the State for such sums.

SEC. 6. In cases where the defendant is indicted for a felony, and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

SEC. 7. That in those counties where there shall have been cast at the next preceding presidential election less than 3000 votes the clerk of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the fees and compensation in felony cases allowed under now existing laws, and are not intended to be affected by the provisions of sections 1, 2, 3, 4, 5 and 6 of this act.

SEC. 8. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county tax, on all sums for the first \$2,000,000 or less, 5 cents for each \$100 of property assessed; and on all sums in excess of \$2,000,000 and less than \$5,000,000, 2½ cents on each \$100; and on all sums in excess of \$5,000,000, 1 7-10 cents on each \$100; one-half of the above fees shall be paid by the State and one-half by the county; and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners' court may allow to the assessor of taxes such sums of money, to be paid monthly from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners court shall not exceed the compensation that may be due by the county to him for assessing.

SEC. 9. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the 1st day of September of each year, 5 per cent on the first \$10,000 collected for the State, and 4 per cent on the next \$10,000 collected for the State, and 1 per cent on all collected over that sum; for collecting the county taxes, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and 1½ per cent on all such taxes collected over that sum, and in counties owing subsidies to railroads, the collectors shall receive only 1 per cent for collecting such railroad tax; and in cases where property is levied upon and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales; and on all occupation and license taxes collected, 5 per cent.

SEC. 10. That hereafter the maximum amount of fees of all kinds that may be retained by any officer mentioned in this section as compensation for services shall be as follows: County judge, an

amount not exceeding \$2000 per annum; clerk of the county court, an amount not exceeding \$2000 per annum; county attorney, an amount not exceeding \$2000 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2000 per annum; collector of taxes, an amount not exceeding \$2000 per annum; assessor of taxes, an amount not exceeding \$2000; justice of the peace, an amount not exceeding \$1500 per annum; constables, an amount not exceeding \$1200 per annum; and in addition thereto one-fourth of the excess of the fees collected by the said officers respectively; provided, that this act shall not apply to justices of the peace and constables, except those holding office in cities of more than 15,000 inhabitants, to be determined by the next preceding city election on the basis of five inhabitants for each vote cast at such election; provided, that up to 1902 in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter in any counties shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amounts shall be allowed, viz.: County judge, an amount not exceeding \$2250 per annum; clerk of the county court, an amount not exceeding \$2250 per annum; county attorney, an amount not exceeding \$2250 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2250 per annum; collector of taxes, an amount not exceeding \$2250 per annum; assessor of taxes, an amount not exceeding \$2250 per annum; in addition thereto one-fourth of the excess of fees collected by the said officers respectively; provided, further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes or by the census of 1900 shall contain as many as 37,500 inhabitants, the following amount of fees shall be allowed, viz.: County judge, an amount not exceeding \$2500 per annum; clerk of the county court, an amount not exceeding \$2500 per annum; county attorney, an amount not exceeding \$2500 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2500 per annum; collector of taxes, an amount not exceeding \$2500 per annum; assessor of taxes, an amount not exceeding \$2500 per annum; and in addition thereto one-fourth of the fees collected by the officers respectively; provided, that the county attorney in those counties having no district attorney, where he performs the duties of district attorney, may receive the same compensation as provided for the district attorney; provided, the maximum fixed for compensation of the district attorney shall be construed to be the amount which that officer is authorized to retain of fees allowed such officer in his district, whether composed of one or more counties; provided, that in counties where a county judge acts as superintendent of public instruction he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of \$600 per annum. The last United States census shall govern as to the population of cities.

SEC. 11. The amounts allowed to each officer mentioned in section 10 of this act may be retained out of the fees collected by him under existing laws; but in no case shall the State or the county be responsible for

the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of any deputy or assistant. Each officer mentioned in the preceding section, and also the sheriff, shall at the close of each fiscal year, make to the district court of the county in which he resides a sworn statement showing the amount of fees collected by him during the fiscal year, and the amount of fees charged and not collected, and by whom due, and the number of deputies and assistants employed by him during the year, and the amounts paid or to be paid each; and all fees collected by officers named in section 10 of this act during the fiscal year, in excess of the maximum amount allowed and of the one-fourth of the excess of the maximum amount allowed for their services, and for the services of their deputies or assistants hereinafter provided for, shall be paid to the county treasurer of the county where the excess accrued; provided, that any officer in section 10 of this act who does not collect the maximum amount of his fees for any fiscal year, and who reports delinquent fees for that year, shall be entitled to retain when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid as hereinbefore provided for when collected.

SEC. 12. Whenever any officer named in section 10 of this act shall require the service of deputies or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same, and the county judge shall issue an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said officer. The officer applying for appointment of a deputy or assistant, or deputies or assistants, shall make affidavit that they are necessary for the efficiency of the public service; and the county judge may require, in addition, a statement showing the need of such deputies or assistants, and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, a sum not to exceed a rate of \$1200 per annum, others not to exceed a rate of \$900 per annum.

The county judge in issuing his order granting authority to appoint deputies or assistants, shall state in such order the number of deputies or assistants authorized and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office to which said deputies or assistants may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 10 of this act.

SEC. 13. All fees due and not collected as shown in the report required by section 11 of this act shall be collected by the officer to whose office the fees accrued and out of such part of delinquent fees as may be due the county, the officer making such collection shall be entitled to 10 per cent of the amount collected by him, and the remainder shall be paid into the county treasury, as provided in section 11 of this act. It shall

not be legal for any officer to remit any fee that may be due under the law fixing fees.

SEC. 14. Any officer named in section 10 of this act, and also the sheriff, who shall fail to charge up the fees or costs that may be due under existing laws, or who shall remit any fee that may be due under the laws, or who shall fail to make the report required in section 11 of this act, or who shall pay his deputy or assistant a less sum than the amount specified in his sworn statement, or receive back any part of such compensation allowed such deputy or assistant, as a rebate, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500. Each act forbidden in this section shall constitute a separate offense.

SEC. 15. It is not intended by this act that the commissioners court shall be debarred from allowing compensation for ex officio services to county officials not to be included in estimating the maximum provided for in this act, when in their judgment such compensation is necessary; provided, such compensation for ex officio services shall not exceed the amounts now allowed under the law for ex officio services; provided, further, the fees allowed by law to district and county clerks, county attorneys and tax collectors in suits to collect taxes shall be in addition to the maximum salaries fixed by this act.

SEC. 16. It shall be the duty of those officials named in section 10 of this act, and also the sheriffs, to keep a correct statement of the sums coming into their hands as fees and commissions, in a book to be provided by them for that purpose, in which the officer at the time when any fees or moneys shall come into his hands shall enter the same, and it shall be the duty of the grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district court next succeeding the first day of December of each year, and make a report on same to the district court at the conclusion of the session of the grand jury.

SEC. 17. The officers named in section 10 of this act, in those counties having a population of 15,000, or less, shall not be required to make a report of fees as provided in section 11 of this act, or to keep a statement provided for in section 16 of this act; the population of the county to be determined by the vote cast at the next preceding presidential election, on the basis of five inhabitants for each vote cast at such election; provided, that all district attorneys shall be required to make the reports and keep the statements required in this act.

SEC. 18. The tax collector and tax assessor, at the time of their settlement of accounts with the Comptroller, shall file with him a copy of the sworn statement required under section 11 of this act.

SEC. 19. A fiscal year within the meaning of this act shall begin on December 1, of each year, and each officer named in section 10 of this act and also the sheriff shall file the reports and make the settlement required in this act on December 1 of each year. Whenever such officer serves for a fractional part of a fiscal year, he shall nevertheless file his report and make a settlement for such part of a year as he serves, and shall be entitled to such proportional part of the maximum allowed as the time of his services bears to the entire year. However, an incoming officer elected at the general election, who qualifies prior to December 1 next following, shall not be required to file any report or make any set-

tlement before December 1 of the following year, but his report and settlement shall embrace the entire period dated from his qualification. This act shall take effect and be in force from and after December 1, 1897.

SEC. 20. The sheriff shall not be required to include in his reports and statements required by sections 11 and 16 of this act the following items, to-wit: All actual expenses, including the per diem allowed him received from the State in conveying attached witnesses out of the county of his residence. 2d. Mileage and sums allowed by law and paid by the State as expenses for removing and conveying prisoners to and from any point beyond the county of the sheriff's residence under all legal warrants issued in felony cases. 3d. All sums received as rewards for making arrests of fugitives from justice. 4th. All sums received from the county for the safe keeping, support and maintenance of prisoners confined in jail. Nor shall said items be regarded as fees of office within the meaning of this act, to be included in making up the sheriff's maximum.

SEC. 21. Any district clerk who shall issue any attachment or subpoena for any witness except upon an order of court or upon the written application, signed and sworn to by the defendant or State's counsel, stating that such witness is believed to be a material witness, shall be deemed guilty of a misdemeanor, and upon conviction fined in any sum not less than \$25 and not more than \$500.

SEC. 22. The clerks of the district court shall receive for the following services the following fees:

For copy of petition, including certificate and seal, each 100 words, 15 cents; provided, whenever in any suit a certified copy of any petition or any other instrument is necessary in the district or county court, it shall be lawful for the plaintiff or defendant to prepare such true and correct copy thereof, and to submit the same to the clerk of the district or county court, as the case may be, whose duty it shall be to compare the same with the original instrument, and if found to be correct he shall attach his certificate of true copy; for such service he shall receive 50 cents for each certificate and seal, and in addition thereto the sum of 10 cents per page, 700 words to the page, for each page of said copy. Each writ of citation, 75 cents; each copy of writ of citation, 25 cents; filing of each paper 10 cents; entering appearance of each party to suit, to be charged but once, 5 cents; each final judgment or decree, 75 cents; every other order, judgment or decree, not exceeding 200 words, 25 cents; where the order, judgment or decree, whether final or not, exceeds 200 words, the additional fee for each 100 words in excess of 200 words shall be 10 cents; making out and transmitting the records and proceedings in a cause to an inferior court, for each 100 words, 15 cents; making transcript of the records and papers in any cause upon appeal or writ of error, with certificate and seal, each 100 words, 10 cents; recording return of any writ, when any such return is required by law to be returned, the amount of 50 cents; where the return exceeds 300 words, for each 100 words in excess of 300 words, 10 cents; making a copy of all records of judgment, or papers on file in his office, for any party applying for same, with certificate and seal, where copy does not exceed 200 words, for each 100 words, 20 cents; where the copy exceeds 200 words, for each additional 100 words in excess of 200 words, 10 cents.

SEC. 23. The clerks of the county court shall receive for the following services the following fees:

Each final judgment or decree, 50 cents; every other order or decree, not exceeding 100 words, 15 cents; where such other order or decree contains 100 words and not more than 200 words, 25 cents; when any final judgment or decree, or any other order or decree, exceeds 200 words, an additional fee for each 100 words in excess of 200 words of 10 cents; each appearance, to be charged but once, 5 cents; each additional name inserted in a subpoena, 5 cents; approving bond, except bond for cost and notarial bond, \$1; approving notarial bond, 50 cents; copies of interrogatories, cross-interrogatories and all other papers or records required to be copied by him, including certificate and seal, where the copy does not exceed 200 words, for each 100 words, 15 cents; where the copy exceeds 200 words, for each additional 100 words in excess of 200 words, 10 cents; transcript in any case where appeal or writ of error is taken, with certificate and seal, each 100 words, 10 cents; recording all papers required or permitted by law to be recorded, not otherwise provided for, including certificate and seal, for each 100 words, 10 cents; issuing and recording marriage license, \$1; recording return of any writ, when any such return is required by law to be returned, the amount of 50 cents; where the return exceeds 300 words, for each 100 words in excess of 300 words, 10 cents; qualifying a notary public, 50 cents. No county or district clerk shall receive any compensation for assessing damages in any case.

SEC. 24. Sheriffs shall receive for the following services the following fees:

Serving each original citation in a civil suit, 75 cents; levying and returning writ of attachment or sequestration, \$2; levying each execution, \$1; return of execution, 50 cents; serving each writ of garnishment or other process not otherwise provided for, 75 cents; serving each writ of injunction, \$1; collecting money on an execution or an order of sale, when the same is made by a sale, for the first \$100 or less, 4 per cent; for the second \$100, 3 per cent; for all sums over \$200 and not exceeding \$1000, 2 per cent; for all sums over \$1000 and not exceeding \$5000, 1 per cent; for all sums over \$5000, one-half of 1 per cent.

SEC. 25. Justices of the peace shall receive for the following services the following fees:

For filing each paper, 5 cents; each continuance, 10 cents.

SEC. 26. All laws and parts of laws in conflict with this act are hereby repealed. It is not intended, however, by this act to repeal the present laws with regard to any fees, except where there is a conflict between the fees prescribed by now existing laws and the fees prescribed by this act.

SEC. 27. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

Approved, June 16, 1897.

Takes effect December 1, 1897.

S. B. No. 7.]

CHAPTER 6.

An Act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways, for injuries to their servants and employees; to define who are fellow-servants, and to prohibit contracts between employer and employee based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That every person, receiver, or corporation operating a railroad or street railway the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employe thereof while engaged in the work of operating the cars, locomotives or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employe of such person, receiver, or corporation, and the fact that such servants or employes were fellow-servants with each other shall not impair or destroy such liability.

SEC. 2. All persons engaged in the service of any person, receiver, or corporation, controlling or operating a railroad or street railway the line of which shall be situated in whole or in part in this State, who are intrusted by such person, receiver, or corporation with the authority of superintendence, control or command of other servants or employes of such person, receiver, or corporation, or with the authority to direct any other employe in the performance of any duty of such employe, are vice-principals of such person, receiver, or corporation, and are not fellow-servants with their co-employees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employes who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employe based upon the contingency of death or injury of the employe and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employe is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the Legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 18, 1897.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 20, nays 5; and passed the House by a vote of yeas 64, nays 40.]

S. B. No. 17.]

CHAPTER 7.

An Act to amend Article 1331, Chapter 13, Title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1331, Chapter 13, Title 30, of the Revised Civil Statutes of 1895, be amended so as to read as follows:

Art. 1331. The special verdict must find the facts established by the evidence and not the evidence by which they are established; and it shall be the duty of the court when it submits a case to the jury upon special issues to submit all the issues made by the pleading. But the failure to submit any issue shall not be deemed a ground for reversal of the judgment upon appeal or a writ of error unless its submission has been requested in writing by the party complaining of the judgment. Upon appeal or writ of error, an issue not submitted and not requested by a party to the cause, shall be deemed as found by the court in such manner as to support the judgment; provided, there be evidence to sustain such a finding.

SEC. 2. The fact that much inconvenience and intolerable delay accrue to litigants in this State, the tendency of which is to prolong litigation and crowd and burden the dockets of the courts, for want of a law authorizing a simple and expeditious method for the decisions of controverted questions of fact by special verdict, creates an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 18, 1897.

[NOTE.—The foregoing act passed the Senate by a two-thirds vote, yeas 25, nays none; and passed the House by a two-thirds vote, yeas 86, nays 14.]

S. B. No. 15.]

CHAPTER 8.

An Act to amend Article 3051, Chapter 2, Title LVIII, of the Revised Statutes of the State of Texas, giving the Commissioner of Insurance power to examine into the condition of any insurance company of this State or any other State, and to revoke the license of such company or companies upon refusal to submit to such examination.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3051, Chapter 2, Title LVIII, of the Revised Civil Statutes, be amended so as to read as follows:

Article 3051. The Commissioner of Insurance, for the purpose of examinations authorized by law, has power either in person or by one or more examiners by him commissioned in writing:

1. To require free access to all books and papers within this State of any insurance companies or the agents thereof doing business within this State.

2. To summon and examine any person within this State, under oath,

which he or any examiner may administer, relative to the affairs and condition of any insurance company.

3. To visit, at its principal office, wherever situated, any insurance company doing business in this State, for the purpose of investigating its affairs and condition, and shall revoke the certificate of authority of any such company in this State refusing to permit such examination.

4. He may revoke or modify any certificate of authority issued by him when any conditions prescribed by law for granting it no longer exist.

5. He also has power to institute suits and prosecutions, either by the attorney general or such other attorney as the attorney general may designate, for any violation of the law of this State relating to insurance, and he shall be made a party to any proceeding for the closing up of the affairs of any company when the same shall not be in the name of the State.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. The near approach of the close of the session, and the importance of the law empowering the commissioner of insurance to examine into the affairs and conditions of any company that is authorized to do business in this State, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, June 18, 1897.

Takes effect ninety days after adjournment.

S. B. No. 21.]

CHAPTER 9.

An Act to fix the venue and regulate the proceedings in prosecutions for rape.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Prosecutions for rape may be commenced and carried on in the county in which the offense is committed, or in any county of the judicial district in which the offense is committed, or in any county of the judicial district the judge of which resides nearest the county seat of the county in which the offense is committed. When the judicial district comprises only one county, prosecutions may be commenced and carried on in that county if the offense be committed there, or in any adjoining county. When it shall come to the knowledge of any district judge whose court has jurisdiction under this act that the offense of rape has probably been committed, it shall be his duty, immediately, if his court be in session, and if not in session, then at the first term thereafter in any county of the district, to call the attention of the grand jury thereto; and, if his court be in session but the grand jury shall have been discharged, he shall immediately recall said grand jury for the consideration of the accusation. Prosecutions for rape shall take precedence of all cases in all courts, and the district courts are hereby authorized and directed to change the venue in such cases whenever it shall be necessary to secure a speedy trial.

SEC. 2. The fact that there is no adequate law in this State for the suppression of rape creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 18, 1897.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 15, nays 6; and passed the House, vote not given.]

S. S. B. No. 2.]

CHAPTER 10.

An Act making appropriations for the support of the State Government, for the years beginning March 1st, 1897, and ending February 28th, 1899, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State Government, for the years beginning March 1st, 1897, and ending February 28th, 1899, and for other purposes.

EXECUTIVE OFFICE.

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of Governor	\$4,000	\$4,000
Salary of private secretary	1,700	1,700
Salary of stenographic clerk	1,100	1,100
Salary of porter	360	360
Salary of State Revenue Agent	1,800	1,800
Traveling and other necessary expenses of State Revenue Agent ...	300	300
Payment of rewards and other expenses necessary in the enforcement of the law	7,250	7,250
Books and stationery	300	300
Freight, postage, and telegraphing	500	500
Ice ...	36	36
Office furniture	100	100
Contingent expenses, including new typewriter....	200	100
Salaries of Board of Pardons	2,400	2,400

MANSION AND GROUNDS.

For Governor's Mansion, and furniture, including repairs to mansion and improvements to grounds surrounding mansion, and contingent expenses; to be expended in two years	\$2,500	
Laborer, and keeping up grounds surrounding mansion ...	700	\$700
Water and ice	200	200
Fuel and lights	450	450
Contingent expenses ...	200	200

DEPARTMENT OF STATE.

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
For salary of Secretary of State	\$2,000	\$2,000
Salary of chief clerk	1,550	1,550
Salary of two assistant clerks	2,280	2,280
Salary of one assistant clerk	950	950
Salary of one stenographic and general clerk.....	900	900
Salary of porter	300	300
Salary of extra clerk to copy laws	250	
Freight, postage and express	1,250	1,250
Books and stationery	400	400
Furniture and files	50	50
Contingent expenses	100	100

COMPTROLLER'S OFFICE.

Salary of Comptroller	\$2,500	\$2,500
Salary of chief clerk	1,700	1,700
Salary of chief bookkeeper	1,550	1,550
Salary of assistant bookkeeper	1,300	1,300
Salaries of two sheriff's clerks, witnesses and attorneys' accountants	2,600	2,600
Salary of clerk for registering city, county and other bonds	1,080	1,080
Salary of receiving clerk	1,140	1,140
Salary of warrant clerk	1,300	1,300
Salary of assistant warrant clerk	1,080	1,080
Salary of bookkeeper in warrant department	1,080	1,080
Salaries of two corresponding clerks	2,280	2,280
Salary of chief tax clerk	1,350	1,350
Salary of assistant tax clerk	1,080	1,080
Salary of redemption clerk	1,300	1,300
Salary of assistant redemption clerk	1,080	1,080
Salary of examining clerk	1,300	1,300
Salary of assistant examining clerk	1,080	1,080
Salary of auditing clerk	1,250	1,250
Salary of assistant auditing clerk	1,080	1,080
Salary of deposit warrant clerk	1,140	1,140
Salaries of twelve first assistant clerks	12,000	12,000
Salaries of nine second assistant clerks	8,100	8,100
Salary of messenger	300	300
Salary of porter	420	420
Salary of night watchman	150	
Postage, telegraphing, express, office furniture and contingent expenses, the latter not to exceed \$200	3,500	3,500
Books and stationery	1,500	1,500
Binding assessment rolls and tax collectors' reports.	1,000	1,000
Roller case and shelving	1,200	

TREASURY DEPARTMENT.

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of Treasurer	\$2,500	\$2,500
Salary of chief clerk	1,700	1,700
Salary of bookkeeper	1,450	1,450
Salary of assistant bookkeeper	1,080	1,080
Salary of receiving clerk	1,350	1,350
Salary of corresponding clerk	1,140	1,140
Salaries of two bookkeepers in Land Department, at \$1300 each ...	2,600	2,600
Salary of examining clerk	1,200	1,200
For salaries of five assistant bookkeepers in Land Department, two at \$1100 each, and three at \$1000 each	5,200	5,200
Salary of collector, general office assistant, messenger and porter	600	600
Books and stationery	400	400
Postage ...	750	750
Contingent expenses	100	100
Keeping in repair time-locks, combinations and vaults, or so much thereof as may be necessary...	150	150
Salary of night watchman	600	600
Office furniture and files	150	150
For refunding to purchasers, assignees or lessees of public domain, public school, university or asylum lands, the money paid by them into the State Treasury in accordance with any of the laws of this State, and where, in accordance to the certificate of the Commissioner of the General Land Office, made under the provisions of the said chapter CXI, as amended by act of the 24th legislature in H. B. 358, it is shown that the title can not issue or possession pass, because of conflict, erroneous sales, and other causes patents can not issue, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General and the Governor, to be expended within two years	10,000	
To pay C. C. Gibbs, trustee, or his order, out of the permanent school fund the sum of \$74,560, and out of the general fund the sum of \$74,560, for the purposes of refunding the amount paid into the Treasury of the State, on or about the 3rd day of January, 1891, for the purchase, under applications made by E. M. Bacon and E. G. Graves, of 291 sections of land, of 640 acres each, being surveys numbered from 1 to 291, both inclusive, in Block G, Borden and Scurry counties; 58 sections, of 640 acres each, being surveys numbered from 1 to 58, both inclusive, in block M, in Borden and Scurry counties; and 117 sections, of 640		

Year Ending—
Feb. 28, '98. Feb. 28, '99.

acres each, being surveys numbered 1 to 117, both inclusive, in block B, in Scurry county, being the lands recovered by the State by a judgment against the said E. M. Bacon and E. G. Graves, and C. C. Gibbs, trustee, rendered on the 22nd day of December, 1891, by the district court in and for Mitchell county, Texas, and affirmed on appeal, amounting in the aggregate to the sum of \$149,120

But the said sums shall not, nor shall any part thereof, be paid until Frederick P. Olcott, the purchaser under decree of foreclosure, rendered by the Circuit Court of the United States for the Eastern District of Texas, at Galveston, of lands of the Houston and Texas Central Railway Co., shall execute to the State of Texas and deliver to the Comptroller a release in writing unto the State of Texas, of any and all claims by him and those he represents, in any manner, in or to any of the above named sections of land; said release to be approved by the Attorney General, and to inure to the benefit of the State of Texas, and any persons claiming any of said lands under said State, and said release to settle forever the claims of the Houston and Texas Central Railway Company and Frederick P. Olcott and others interested with him as mortgagees in any of said above described 466 sections of land; and upon the delivery of said release, duly executed and acknowledged by said Olcott, to the Comptroller, the Comptroller shall draw his warrant upon the State Treasurer in favor of C. C. Gibbs, trustee, for the amount of money hereby appropriated.

GENERAL LAND OFFICE.

Salary of Commissioner	\$2,500	\$2,500
Salary of chief clerk	1,700	1,700
Salary of first assistant chief clerk	1,400	1,400
Salary of receiving clerk	1,350	1,350
Salary of Spanish clerk	1,350	1,350
Salary of legal examiner	1,500	1,500
Salary of corresponding clerk	1,140	1,140
Salaries of two patent clerks	2,280	2,280
Salaries of two abstract clerks	2,160	2,160
Salaries of two file clerks	2,280	2,280
Salary of one file-room clerk	1,140	1,140
Salaries of two transcript clerks	2,160	2,160
Salary of chief draughtsman	1,500	1,500
Salaries of five compiling draughtsmen	6,500	6,500
Salaries of three assistant compiling draughtsmen	3,300	3,300
Salary of letter register	1,100	1,100

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of index clerk	\$1,080	\$1,080
Salary of night watchman	600	600
Salary of porter and janitor	420	420
Postage, telegraphing and contingent expenses....	1,800	1,800
Stationery, books and fixtures	1,500	1,500
Wood	200	200
Lithographing and miscellaneous	450	450
Water and repairs to fixtures	300	300
Repairs to building	250	250
To pay for certified copies of judgments obtained in favor of the State against the several railroad companies in the recovery of lands where the cer- tificates were issued in whole or in part for sid- ings and switches, and in the Bacon and Graves case if necessary; provided, the Attorney General shall approve the cost bill of the clerks for such copies, there is appropriated \$750, or so much thereof as may be necessary.....	750	

School Land Department.

Salary of chief clerk	1,400	1,400
Salaries of three lease clerks	3,300	3,300
Salaries of two corresponding clerks	2,200	2,200
Salary of one draughtsman	1,140	1,140
Salary of bookkeeper	1,300	1,300
Salary of file clerk	1,100	1,100
Salaries of two sales clerks	2,280	2,280

Provided, that the Land Commissioner may discharge any clerk not needed in any particular department and apply the money to pay his salary for the purpose of employing help in any other department where additional help may be required; provided, further, that no more shall be paid for such help than is provided for the compensation of clerks in the department to which the extra help may be assigned; and provided, further, that if any funds appropriated for this department be unexpended, the same, or so much thereof as may be necessary, may be used for the purchase or repair of typewriting machine.

ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General	\$2,000	\$2,000
And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law	2,000	2,000
Salary of first office assistant	2,500	2,500
Salary of second office assistant	2,000	2,000
Salary of third office assistant	2,000	2,000

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of stenographic and corresponding clerk....	\$950	\$950
Salary of filing and recording clerk	950	950
Stationery, postage and telegraphing	500	500
Law books and periodicals	200	200
Cost of depositions and procuring evidence	400	400
Porter and messenger	360	360
Actual traveling expenses incurred by Attorney General, or any of his assistants, in giving attention to the State's business pending elsewhere than in the courts held in the city of Austin, vouchers to be made under official certificates...	600	600
Contingent expenses	100	100

COURT OF CRIMINAL APPEALS.

Salaries of three judges	\$12,000	\$12,000
Salary of stenographer	950	950
Sheriffs' attendance on the court	200	200
Postage	150	150
Contingent expenses	200	200
Fuel and lights	100	100
Law books, to be selected by the presiding judge...	150	150
Record books and stationery	400	400
Salary, fees and traveling expenses of Assistant Attorney General	3,000	3,000
Salary of porter	360	360
Telegraphing and contingent expenses for Assistant Attorney General	50	50
Clerks' fees in criminal cases, or so much thereof as may be necessary	3,000	3,000

SUPREME COURT.

Salaries of three judges	\$12,000	\$12,000
Salary of clerk and librarian	2,500	2,500
Salary of stenographer and law clerk	950	950
Salary of bailiff	150	150
Porter's hire for judge's and consulting room	360	360
Porter's hire for court room, library and clerk's office	360	360
Record books and stationery	500	500
Postage	150	150
Contingent expenses	150	150
Purchase of books for Supreme Court library, and books for consultation room	1,250	1,250

DEPARTMENT OF EDUCATION.

Salary of Superintendent	\$2,500	\$2,500
Salary of chief clerk	1,550	1,550
Salary of statistical clerk	1,140	1,140
Salary of auditing and index clerk	1,140	1,140

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of stenographer	\$950	\$950
Salary of corresponding and examining clerk	1,140	1,140
Salary of corresponding and general clerk	1,080	1,080
Salary of mailing and bank clerk	900	900
Salary of porter	300	300
Traveling expenses of Superintendent, visiting schools and teachers' and trustees' meetings, and when on business relating to school interests....	300	300
Postage, stationery, office furniture, files, binding reports and other books and pamphlets.....	1,100	1,100
Express, freight, telegraphing and incidental expenses	450	450

RAILROAD COMMISSION.

Salaries of three Commissioners	\$12,000	\$12,000
Salary of secretary	1,800	1,800
Salary of one rate clerk	1,500	1,500
Salary of one general clerk	1,200	1,200
Pay of experts and other necessary expenses.....	12,040	8,040
To pay necessary expenses of Commissioners and experts in making investigations and enquiries, to be paid on verified vouchers, approved by the Chairman of the Railroad Commission	1,000	
Sheriffs' and witnesses' fees, and mileage	500	500
Transportation of the members of the commission and clerks	250	250
Postage, stationery, books, telegraphing and express charges	500	500
Furniture, fixtures and files	100	100
Contingent expenses	100	100
Salary of porter	300	300

DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS
AND HISTORY.

Salary of Commissioner	\$2,000	\$2,000
Salary of chief clerk	1,700	1,700
Salary of bookkeeper, stenographer and statistical clerk	1,140	1,140
Salary of agricultural clerk	1,140	1,140
Salary of historical clerk	1,140	1,140
Salary of porter	360	360
Subscription to newspapers and magazines, and binding	100	100
Books and book cases and shelving for State Library, Collecting historical data	450	450
Contingent expenses and telephone	150	150
Contingent expenses and telephone	100	100
Expenses of Commissioner in enforcing insurance laws	500	500
Postage, stationery and express	400	400
Book cases and shelving	100	100

THE UNIVERSITY.

Year Ending—
Feb. 28, '98. Feb. 28, '99.

For the support and maintenance of the University of Texas, including such repairs and improvements and extension as the board of regents may deem necessary, all the available fund, including under this head the interest from its land notes, the income from its leases, and the fees from its students, to be under the control of the Board of Regents, less the appropriation made for the Agricultural and Mechanical College; all yearly fees collected from students, to be fixed by the Regents, to be not less than \$10 per year for academic department from each student, with such laboratory fees as the Regents shall fix, and not less than \$50 per year from each student in the law department.

To supplement the available fund in the support of the main university, from the general revenue..	\$32,500	\$32,500
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Medical Department, Galveston.

For support and maintenance out of general revenue	\$35,500	\$35,500
For repairs out of general revenue, to be expended in two years	3,000	

In addition to the above revenue, the Board of Regents shall charge each student in medicine and pharmacy the matriculation fee of not less than \$50 per year, payable in advance, also a fee of five dollars annually, payable in advance, for each laboratory attended, to cover the cost of material used; the proceeds of the above fees shall also be appropriated and supplemented to any of the above named items for the maintenance and support of the said medical branch of the University, and expended in any manner the Board of Regents may deem for the best interest of the medical college.

COURT OF CIVIL APPEALS—FIRST DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of bailiff	100	100
Salary of porter	300	300
Postage	75	75
Record books and stationery	200	200
Contingent expenses, including ice, lights and fuel..	150	150
Salary of stenographer and typewriter	600	600
Books for library	250	250

COURT OF CIVIL APPEALS—SECOND DISTRICT.

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salaries of three judges	\$10,500	\$10,500
Salary of bailiff	100	100
Salary of porter	300	300
Postage	75	75
Record books and stationery	200	200
Contingent expenses, including ice, fuel and lights..	150	150
Salary of stenographer and typewriter	600	600
Books for library	250	250

COURT OF CIVIL APPEALS—THIRD DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of bailiff	100	100
Salary of porter	300	300
Record books and stationery	200	200
Postage	75	75
Contingent expenses, including ice, lights and fuel..	100	100
Salary of stenographer and typewriter	600	600

COURT OF CIVIL APPEALS—FOURTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of bailiff	100	100
Salary of porter	300	300
Postage	75	75
Books and stationery	200	200
Contingent expenses, including ice, fuel and lights..	150	150
Salary of stenographer and typewriter	600	600
Books for library	250	250

COURT OF CIVIL APPEALS—FIFTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of bailiff	100	100
Salary of porter	300	300
Postage	75	75
Record books and stationery	200	200
Contingent expenses	100	100
Salary of stenographer and typewriter	600	600
Books for library	250	250

JUDICIARY DEPARTMENT.

Salaries of fifty-four district judges	\$133,750	\$135,000
Salaries of thirty-eight district attorneys.....	19,000	19,000
Salary of criminal district attorney	500	500
Salaries of two criminal district judges	5,000	5,000
Fees and costs of sheriffs, clerks and attorneys in felony cases	300,000	300,000

Nor shall the Comptroller approve the account of any sheriff for conveying a convict from the peni-

Year Ending—
Feb. 28, '98. Feb. 28, '99.

tentiary to any county for trial on a felony charge, which if convicted would receive a sentence concurrent with the sentence he was already serving; nor shall such attorneys, clerks or sheriffs be entitled to fees and costs in more than one case, where the defendant is convicted in two or more cases, unless the judgment in the second and subsequent convictions shall be that the punishment shall begin when the judgment and sentence in the preceding conviction have ceased to operate; nor shall the district judge approve accounts for such fees and costs.

To pay costs in civil cases when such costs are adjudged against the State, or when such costs can not be recovered from the defendant, in which only such costs as are incurred by the State in such civil cases, shall be paid out of this fund....

\$2,500 \$2,500

Expenses of attached witnesses; provided, that neither the district judge nor the Comptroller shall approve the claim of any person attached as a witness while under indictment for a felony in the same court in which he is attached to testify....

50,000 50,000

Salary of Supreme Court reporter

3,000 3,000

Salary of Court of Criminal Appeals reporter....

3,000 3,000

For compensation for assistant Supreme Court reporter or reporters of Courts of Civil Appeals...

2,500 2,500

Fees of county judges, justices of the peace, sheriffs and constables in examining trials.....

10,000

PENSIONS.

Pay of veterans under general laws \$51,000 \$51,000

Mrs. S. L. Cole, special pensioner..... 150 150

P. H. Bell, special pensioner 150 150

Mme. Candelaria, special pensioner 150 150

PUBLIC DEBT.

For interest on public debt\$224,420 20 \$224,420 20

MISCELLANEOUS.

To pay for surveying lands set apart for branch University of colored people, or so much thereof as may be necessary

\$1,600

For relief of liquor dealers \$5,000 5,000

Refunding to Allison, a State convict..... 225

To pay sheriff of Hardeman county, Texas, for boarding J. D. Adams, a prisoner convicted of murder in Greer county, and transferred to the jail of Hardeman county, for safe keeping, by order of the district judge, pending appeal to the Court of Criminal Appeals, Texas, or so much as may be necessary

350

STATE ORPHAN ASYLUM.

Year Ending—
Feb. 28, '98. Feb. 28, '99.

All of the available fund belonging to the Asylum for the support and maintenance, in addition thereto from the general revenue the following:

Salary of superintendent	\$1,000	\$1,000
Salary of matron	600	600
Salaries of six teachers	2,400	2,400
Salaries of three cooks	600	600
Salary of one baker	300	300
Salaries of three laundresses	720	720
Salaries of two seamstresses	480	480
Salary of one physician	660	660
Salary of farm labor	550	550
Salary of trained nurse	360	360
Salaries of six assistant nurses	1,200	1,200
Salary of night watchman	360	360
Maintenance	15,000	15,000
Fuel	500	500
Postage and stationery	100	100
Bedding	600	600
School books, maps, etc.	400	400
Window curtains, towels and table linen.....	200	200
Transportation	150	150
Telephone	60	60
Tableware, crockeryware and hardware	200	200
Electric lights	550	550
Erecting school building	12,000	
Enlarging dining room	2,500	
Fire protection		2,000
Erecting hospital		4,000

STATE LUNATIC ASYLUM.

Salary of superintendent	\$2,000	\$2,000
Salary of first assistant physician.....	1,250	1,250
Salary of second assistant physician.....	1,250	1,250
Salary of bookkeeper and steward.....	950	950
Salary of matron	600	600
Salary of apothecary	550	550
Salary of supervisor	480	480
Salary of supervisoress	480	480
Salary of outside supervisor	550	550
Salary of chief engineer	720	720
Salary of assistant engineer	480	480
Salary of gardener	300	300
Salary of chief cook	550	550
Salary of first assistant cook	300	300
Salaries of three second assistant cooks	720	720
Salary of baker	480	480
Salary of carpenter	540	540
Salary of assistant carpenter and blacksmith.....	400	400

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salaries of two firemen	\$600	\$600
Salaries of seven night watchmen.....	2,100	2,100
Salary of head laundress	360	360
Salary of assistant head laundress.....	300	300
Salaries of six laundresses	1,440	1,440
Salary of head seamstress	300	300
Salaries of six seamstresses	1,440	1,440
Salaries of fifty attendants, or as many thereof as may be necessary, at not to exceed \$20 per month,	12,000	12,000
Salaries of two trained nurses	720	720
Salaries of three farm hands, at \$15 per month.....	540	540
Salary of dairyman	360	360
Salary of plasterer and painter	480	480
Salary of storekeeper	420	420
Salaries of three dining-room girls and chamber- maids, at not to exceed \$20 per month.....	720	720
Salary of scavenger	240	240
Groceries, fuel, light and water, including pay of Board of Managers at \$5 per month for attend- ance upon meetings of the board, and mileage....	62,500	62,500
Dry goods and clothing	12,000	12,000
Furniture and beds	1,000	1,000
General repairs	3,000	3,000
Transportation of patients	750	750
Medical stores and surgical instruments	1,250	1,250
Literature and amusement	600	600
Contingent expenses	500	500
Cows, horses, mules and hogs.....	250	
Hacks, wagons, harness and farm tools.....	200	
Trees, seeds and flowers	75	75
Laundry machinery	300	300
Repairing roofs	1,000	500
Engineers' and carpenters' tools	150	

SOUTHWESTERN INSANE ASYLUM.

Salary of superintendent	\$2,000	\$2,000
Salary of assistant superintendent	1,250	1,250
Salary of bookkeeper and steward	950	950
Salary of engineer and plumber	720	720
Salary of matron and supervisoress	600	600
Salary of ward supervisor	480	480
Salary of carpenter	480	480
Salary of outside supervisor	480	480
Salary of chief cook	480	480
Salary of baker	480	480
Salary of head laundress	360	360
Salaries of three laundresses	720	720
Salary of gardener	300	300
Salary of dairyman	300	300
Salary of first assistant cook	300	300

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of second assistant cook	\$240	\$240
Salary of head seamstress	300	300
Salary of assistant seamstress	240	240
Salaries of two firemen	600	600
Salaries of two night watchmen	600	600
Salaries of two farm hands, at \$15 per month.....	360	360
Salaries of twenty-two attendants (or as many there- of as may be necessary), at not to exceed \$20 per month	5,280	5,280
Groceries, fuel, lights and water, including pay of the Board of Managers at \$5 per month for at- tendance upon meetings of the board, and mile- age	25,000	25,000
Dry goods and clothing	3,500	3,500
Furniture and bedding	1,000	1,000
Transportation of patients	400	400
Medical stores and surgical instruments	500	750
General repairs and preservation	1,000	1,000
Contingent expenses	300	400
Expenses Board of Managers to Austin	15	
Literature and amusements	400	400
Trees, seeds, farm machinery and tools	200	200
Wagons, hacks and harness	200	
Painting roof and standpipe	500	
Cows, horses, mules and hogs	200	200
Engineer's and carpenter's tools	100	
Bridges, culverts and grounds	150	150
Anchoring and repairing ward buildings, to be used in two years	2,000	
Erecting additional buildings under the supervision of a competent architect, to be appointed by the Governor of Texas, the salary of architect to be paid out of this appropriation	75,000	
Maintenance of inmates to be received in new build- ings		20,000
Purchasing new boiler and piping and necessary re- pairs for connection and fixtures	1,500	

NORTH TEXAS INSANE ASYLUM.

Salary of superintendent	\$2,000	\$2,000
Salary of first assistant physician	1,250	1,250
Salary of second assistant physician	1,250	1,250
Salary of bookkeeper and steward	950	950
Salary of matron	600	600
Salary of apothecary	550	550
Salary of ward supervisor	480	480
Salary of head farmer and outside supervisor.....	480	480
Salary of storekeeper	480	480
Salary of head engineer and plumber	720	720
Salary of assistant engineer and electrician	480	480

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salary of supervisoress	\$480	\$480
Salary of head carpenter	540	540
Salary of assistant carpenter	360	360
Salaries of three firemen	900	900
Salary of painter and plasterer	480	480
Salary of gardener	320	320
Salary of assistant gardener and florist	280	280
Salary of scavenger	240	240
Salaries of three farm hands	540	540
Salary of head cook	550	550
Salary of first assistant cook	300	300
Salary of second assistant cook	240	240
Salary of third assistant cook	240	240
Salary of baker	480	480
Salary of assistant baker	240	240
Salary of head laundress	360	360
Salaries of eight laundresses	1,920	1,920
Salary of head seamstress	300	300
Salaries of seven seamstresses	1,680	1,680
Salaries of sixty-three attendants	15,120	15,120
Salaries of four special nurses	1,200	1,200
Salary of outside watchman	360	360
Salaries of five night watchmen	1,800	1,800
Salary of dairyman	300	300
Salary of one assistant dairyman	240	240
Groceries, fuel, lights and water	70,000	70,000
Transportation of patients	750	750
Contingent expenses	750	750
Dry goods and clothing	14,500	14,500
Medical stores and surgical instruments	1,500	1,500
Trees, seeds and stocks	250	250
Wagons, hacks and harness	300	
Carpenter's tools	100	
Engineer's tools	50	
Mowers, plows and farm implements	250	250
Furniture and beds	1,500	2,000
Expenses Board to Austin	37 50	
General repairs and painting roof, to be expended in two years	5,000	
Purchase of mules, horses, cows and swine	250	250
Literature and amusement	500	500
Pipes and piping	1,000	
Basement floors (tiling or concrete)		2,000
Bridges, culverts and grounds	300	
Laundry machinery	250	250
Repairing standpipe		100
Fencing	100	100
Hose for fire department	500	
New roof on administration building	1,000	
Laundry floor	500	
Grated doors	500	

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Erection of male hospital	\$10,000	
Erection of an associated dining hall and employes' room, to be done under the supervision of a competent architect, to be appointed by the Governor of Texas, salary of such architect to be paid out of the appropriation	30,000	
Additional appropriations made for North Texas Insane Asylum to comport with provisions made for additional buildings for the accommodation of more inmates:		
Groceries, etc.	3,000	\$12,000
Dry goods and clothing	750	3,000
Beds and furniture	1,000	
Assistant supervisor	90	360
Salaries of five attendants	300	1,200
Salaries of three laundresses	150	600

Provided, that the interest on all securities held by the Lunatic Asylum Fund is hereby appropriated in part payment of the appropriations of the three Lunatic Asylums, the remainder of the appropriations to be paid out of the general revenue. All moneys now in or which may hereafter be paid into the State Treasury for the board and treatment of non-indigent patients and from sales of personal property of the three lunatic asylums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue account.

BLIND ASYLUM.

Salary of superintendent	\$2,000	\$2,000
Salary of oculist	900	900
Salary of bookkeeper and steward	720	720
Salary of first matron	440	440
Salary of second matron	440	440
Salaries of principal teacher and six assistant teachers in literary department, teacher of kindergarten and physical culture, and four teachers in music department ...	8,520	8,520
Salary of one music reader	540	540
Salary of teacher of sewing, crochet and wool work.	400	400
Salary of teacher of trades	360	360
Salary of assistant teacher of trades	315	315
Salary of sick nurse and monitress for large girls...	270	270
Salary of sick nurse and monitor for large boys....	270	270
Salary of monitress and seamstress for small girls...	180	180
Salary of monitress and seamstress for small boys..	180	180
Salary of night watchman	500	500
Salary of engineer and electrician	900	900
Salary of hostler and yard man	300	300
Salaries of four cooks and one baker	900	900

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Salaries of head laundress and three assistants.....	\$800	\$800
Salary of housekeeper for large boys' department...	180	180
Salaries of three chambermaids	472	472
Salaries of four dining-room girls	630	630
Salaries of five trustees	300	300
Transportation of indigent pupils	1,200	1,200
Clothing for indigent pupils	900	900
Groceries, provisions, printing necessary for school, labor, contingent expenses and miscellaneous....	16,500	16,500
Ordinary repairs	750	750
Relaying and casing heating pipes	500	
Removing overhead plastering, and ceiling old build- ing	1,000	

DEAF AND DUMB ASYLUM.

Salary of superintendent	\$2,000	\$2,000
Salary of principal, educational department	1,350	1,350
Salary of first academic teacher	950	950
Salaries of two second academic teachers	1,700	1,700
Salaries of two teachers	1,200	1,200
Salaries of four teachers	2,400	2,400
Salaries of five teachers	2,400	2,400
Salary of first oral teacher	720	720
Salary of second oral teacher	660	660
Salary of third oral teacher	480	480
Salary of two oral teachers	800	800
Salary of art teacher	600	600
Salary of secretary and steward	800	800
Salary of first matron	480	480
Salary of second matron	480	480
Salary of monitor	480	480
Salary of monitress for small girls	280	280
Salary of monitress for small boys	280	280
Salary of instructor in printing	800	800
Salary of instructor in shoemaking	660	660
Salary of instructor in carpentry	660	660
Salary of instructor in tailoring	550	550
Salary of teacher of sewing and dressmaking	300	300
Salary of engineer	800	800
Salary of night watchman	360	360
Salary of farmer and gardener	300	300
Salaries of two laborers	360	360
Salaries of five laundresses	900	900
Salary of baker	360	360
Salaries of two cooks	550	550
Supplies, provisions, etc.	22,500	22,500
Water and electric lights	1,200	1,200
For furnishing	500	500
Clothing and transportation for indigent pupils....	1,500	1,500
Art material and supplies	100	100

	Year Ending—	
	Feb. 28, '98.	Feb. 28, '99.
Repairs on main building	\$4,000	
Salaries of five trustees	300	\$300

Provided, that the interest on all securities held by the Deaf and Dumb and Blind Asylum funds are hereby appropriated in part payment of the above appropriations, the remainder to be paid out of the general revenue.

HOUSE OF CORRECTION AND REFORMATORY.

Salary of superintendent	\$1,800	\$1,800
Salary of farm supervisor	500	500
Salary of engineer	600	600
Salary of assistant engineer	300	300
Salary of bookkeeper and steward	800	800
Salaries of two teachers	960	960
Salaries of four night guards	1,440	1,440
Salaries of ten day guards	3,000	3,000
Salary of baker	360	360
Salary of physician	400	400
Salary earned by chaplain, one-third year, 1897....	66	
Salaries of three trustees	300	300
Maintenance	16,000	16,000
Fuel	1,200	1,200
Books and slates	100	100
Medicine	200	200
Postage and express	150	150
Discharge and transportation of discharged inmates,	800	800
Literature and library for inmates	150	150
Farm implements	200	200
Bathing pool and contingent expenses	500	500

Provided, that the products and labor of said reformatory are hereby appropriated in part payment of the above appropriation, the remainder to be paid out of the general revenue; provided further, that the superintendent of the reformatory is hereby required to rent sufficient land to keep all the inmates employed.

CONFEDERATE HOME.

For maintenance of inmates, including compensation as prescribed by law to the members of the Board of Directors for attending meetings of the board, and mileage

	\$28,000	\$32,000
Salary of superintendent	1,500	1,500
Salary of quartermaster	540	540
Salary of surgeon	800	800
Medicine	400	400
Salary of chief cook	480	480
Salary of assistant cook	240	240

Year Ending—
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Salaries of waiters, who shall do all the work required of them by the superintendent.....	\$720	\$720
Salaries of nurses, who shall do all work required of them by the superintendent and surgeon.....	1,440	1,440
Salary of one helper	240	240
Salary of laundress	240	240
Salary of two assistant laundresses	360	360
Transfer of inmates to their homes	200	200
Salary of night watchman	300	300
For moving stables	100	
For fire hose	335	
Dining-room and kitchen for hospital, and for necessary furniture therefor	1,500	
Kitchen for main building	900	
Salary of hospital cook	360	360
Salary of assistant hospital cook	240	240
Salary of matron	300	300
Building and furnishing one cottage, to be used when needed	2,250	
Laundry appliances	300	

Provided, that the money now to the credit of the available Confederate Home fund is hereby appropriated in part payment of the above appropriation, the remainder to be paid out of general revenue.

QUARANTINE DEPARTMENT.

For maintaining quarantine department	\$33,000	\$33,000
For moving quarantine station at Sabine Pass.....	3,000	
Maintenance of a quarantine guard at Corpus Christi Pass, to be under the supervision of the quarantine physician at Harbor Island, said guard to furnish his own boat and supplies, at a salary of \$75 per month, for eight months each year.....	600	600

DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

Salary of superintendent	\$1,500	\$1,500
Salary of principal teacher	675	675
Salaries of three class room teachers and one music teacher	1,800	1,800
Salary of shoemaker	450	450
Salary of seamstress	300	300
Salary of matron	360	360
Salary of oculist	600	600
Salary of night watchman	300	300
Salary of engineer and plumber	500	500
Salary of cook and assistant	500	500
Salary of farmer and gardener	240	240
School apparatus	125	125
Transportation of indigent pupils	400	400

	Year Ending—	
	Feb. 23, '98.	Feb. 23, '99.
Clothing for indigent pupils	\$450	\$450
General repairs and erection of new building, to be done under the supervision of a competent architect, to be appointed by the Governor of Texas; salary of such architect to be paid out of this appropriation	12,000	
Furniture	200	200
Tools and apparatus for shoe shop	25	25
Stationery and postage	50	50
Salary of monitor	225	225
For groceries, provisions and miscellaneous, including pay of members of the board at \$5 per month for attending meetings of the board, and mileage,	8,000	8,000

SAM HOUSTON NORMAL INSTITUTE.

For support and maintenance	\$37,500	\$37,500
For library apparatus, repairs and improvements...	2,000	2,000

STATE PENITENTIARIES.

For conveying convicts to the penitentiaries and reformatory	\$18,000	\$18,000
Penitentiary library	250	250
Traveling expenses of superintendent	500	500
All the proceeds of convict labor, and in addition thereto for making up deficiencies in monthly expenses and to purchase material to carry on prison industries, which shall be paid out of the treasury on the warrant of the Comptroller, whenever demanded by the financial agent of the State penitentiaries, to be used, if needed, for each year; provided, that this sum shall not be drawn out of the treasury except as needed	40,000	40,000

AGRICULTURAL AND MECHANICAL COLLEGE.

For the support and maintenance of the Agricultural and Mechanical College, out of the general revenue \$19,500, and out of the available university fund, each year, \$500	\$20,000	\$20,000
Student labor fund	5,000	5,000
For experimental station	2,500	2,500
Building and equipping mess hall	25,000	
Repairs on buildings, to be expended in two years...	5,000	
Building two residences for professors	3,000	

In addition to the above, the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby further appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their reports

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the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and the receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires the board of regents to report the salaries and number of the faculty and employes, and the receipts and expenditures of the University of Texas.

PRAIRIE VIEW STATE NORMAL SCHOOL.

For the maintenance of forty-six students	\$10,000	\$10,000
For the maintenance and support of the agricultural and mechanical department.....	2,500	2,500
For the maintenance and support of the girls' industrial department	350	350
Books and stationery	100	
Erection of one barn	1,000	
Water supply, wells and tanks	1,500	
Repairing and painting houses	250	250

ADJUTANT GENERAL'S OFFICE.

Salary of Adjutant General	\$2,000	\$2,000
Salary of chief clerk	1,100	1,100
Salary of porter	300	300
Salary of custodian of Camp Mabry	180	180
Stationery, postage and telegraphing	400	400
Incidental expenses	25	25
Handling of ordnance and quartermaster stores and clothing, labor in arsenal, and repairs of arms....	250	250
Inspection of arms and troops	250	250
Protection of the frontier, and suppression of lawlessness and crime	25,000	25,000
Payment of the Volunteer Guard when called into active service under the law, including transportation of troops, and for all other military expenses.	5,000	5,000
Book cases for preservation of war records and maps	100	

PUBLIC PRINTING.

For first, second and third classes of printing and binding, and for printing papers for first and second classes of public printing	\$20,000	\$20,000
For publishing Supreme Court reports, three volumes	4,000	2,000
For publishing Court of Criminal Appeals reports, three volumes	4,000	2,000
Publishing Court of Civil Appeals reports, six volumes	6,000	6,000
For salary of expert printer and secretary for the State Printing Board, who shall perform such		

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other duties as the Board may require of him....	\$1,500	\$1,500
For publishing Constitutional Amendments, proposed by the Twenty-fifth Legislature, or so much thereof as may be necessary	17,000	
(For printing for educational department, as follows, the distribution to be made by the department of education:)		
Printing and distributing county superintendents' record books, treasurers' record books and blank forms	1,100	1,100
Printing and distributing scholastic census blanks, teachers' daily registers, trustees' reports and other blank forms for the use of school officers, teachers and trustees	1,750	1,750
Printing and distributing school laws, courses of study, examination questions, circulars to school officers and teachers, and other matter for the advancement of education	875	500

LIVE STOCK SANITARY COMMISSION.

For expenses of Live Stock Sanitary Commission..	\$4,000	\$4,000
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PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent	\$1,500	\$1,500
Salary of bookkeeper	550	550
Salary of engineer	1,200	1,200
Salary of assistant engineer, who shall perform all work required of him by the Superintendent....	720	720
Salaries of four watchmen	2,640	2,640
Salaries of two firemen	1,200	1,200
For traveling and other necessary expenses of Superintendent when away from Austin on official business	200	200
Salaries of four cleaners	1,440	1,440
Salary of elevator man	720	720
Labor in capitol grounds and keeping sewer in repair	700	700
Keeping cemetery grounds	300	300
Headstones for Confederate veterans buried in the State cemetery	300	300
Headstones for Texas veterans buried in the State cemetery	100	100
Water, fuel, lights and contingencies	9,000	9,000
Oil and waste for engines, dynamos and steam pumps, oil for wainscoting, drawing paper for plans, stationery, and oil for lamps	600	600
Repairs and painting for two years	2,500	2,500
Tools	100	100
For the purchase of one painting of ex Governor Hogg, painted by Mr. McArdle	250	

SEC. 2. It shall be unlawful for the superintendent or head of any of the foregoing departments of the State government or public institutions herein provided for to draw out of the State treasury all or any part of the money for the maintenance of his respective department or institution and deposit the same in a local bank to his own private account; but said amounts herein before appropriated shall remain in the State treasury, and may be drawn or checked out by such heads of departments or superintendents of institutions monthly to pay salaries of employees, or whenever it may be needed to pay for supplies, repairs, improvements or any other thing permitted to be bought or had for the maintenance of such institution.

SEC. 3. The fact that the monthly expenses of the State government are due and it is important that the same be promptly paid creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage.

Approved, June 18, 1897.

Takes effect from and after its passage.

S. B. No. 18.]

CHAPTER 11.

An Act to amend Article 5051 of the Revised Civil Statutes of 1895, relating to county warrants and the payment of taxes and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5051 shall hereafter read as follows:

Article 5051. The taxes herein levied by this chapter are hereby made payable in the currency or coin of the United States; provided, that persons holding scrip issued to themselves for services rendered the county may pay their county ad valorem taxes in such scrip.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The fact that but a few days of the special session remain for the consideration of bills, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage.

Approved, June 19, 1897.

Takes effect ninety days after adjournment.

S. B. No. 14.]

CHAPTER 12.

An Act to amend Sections 1069 and 1070 of the Revised Civil Statutes of the State of Texas, and to reduce the expenses of the State government.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article's 1069 and 1070 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 1069. Whenever any case or cases, civil or criminal, are pending in which the district judge is disqualified from trying the same, no change of venue shall be made necessary thereby; but the judge presiding shall immediately notify that fact to the Governor, whereupon the Governor shall designate some district judge in an adjoining district to exchange and try such case or cases, and the Governor shall also notify both of said judges of such order, and it shall be the duty of said judges to exchange districts for the purpose of disposing of such case or cases, and in case of sickness or other reasons rendering it impossible to exchange, then the parties or their counsel shall have the right to select or agree upon an attorney of the court for the trial thereof.

Article 1070. Whenever a special judge is agreed upon by the parties for the trial of any particular cause, as above provided, the clerk shall enter in the minutes of the court, as a part of the proceedings in such cause, a record showing:

1. That the judge of the court was disqualified to try the cause; and
2. That such special judge (naming him) was by consent agreed upon by the parties to try the cause; and
3. That the oath prescribed by law has been duly administered to such special judge.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The fact that under the present law there is a heavy annual expense entailed upon the State for the payment of special judges which could be avoided by the regular district judges exchanging districts, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 19, 1897.

[NOTE.—The foregoing act passed the Senate, vote not given; and passed the House, vote not given.]

H. B. No. 30]

CHAPTER 13.

An Act to fix the venue and regulate proceedings in prosecutions for murder by mob violence; define and punish murder by mob violence; provide for the suspension and removal of sheriff's, deputy sheriff's, constables, chiefs of police, city marshals and other officers who permit it; and fix the venue and regulate proceedings in such cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever two or more persons shall combine together for the purpose of mob violence, and in pursuance of said combination shall unlawfully and wilfully take the life of any reasonable creature in being by such violence, such person shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for life, or according to the degree of murder, to be found by the jury; provided, nothing in this section shall be so construed as to in any way affect the law in regard to manslaughter, as defined in Chapter 14, Title 15, of the Penal Code of the State of Texas.

SEC. 2. It shall be the duty of the district judges of the State to give this law specially in charge to the grand jury at the beginning of each term of court. Prosecutions for murder under this act may be commenced and carried on in any county of the judicial district in which the offense is committed, except the county of the offense, or in any county of the judicial district the judge of which resides nearest the county seat of the county in which the offense is committed. When the judicial district comprises only one county, prosecutions may be commenced and carried on in any adjoining county.

SEC. 3. If any sheriff, deputy sheriff, constable, chief of police, city marshal or other officer in this State shall permit or suffer any person in his custody charged with crime to be killed by one or more persons, or shall permit or suffer any such person to be taken from his custody and killed by one or more persons, he shall be deemed guilty of official misconduct, and removed from office; and the custody of a deputy shall be the custody of his principal. Proceedings to remove such officer from office may be commenced and carried on in any county named in Section 2 of this act. Said proceedings for the removal of said officers shall be conducted by the attorney general or under his direction in the name of the State of Texas, and shall be commenced by filing in the district court of the proper county a petition which shall be addressed to the judge of the court in which it is filed, and shall set forth in plain and intelligible language the facts as grounds of removal.

SEC. 4. After the filing of such petition, citation to the defendant shall issue as now provided by law in other civil cases. The trial and all the proceedings connected therewith shall be conducted as far as it is practicable in accordance with the rules and practices of the court in other civil cases; and appeals and writs of error may be sued out by either party to all appellate courts, as in other civil cases; provided, such cases shall take precedence in all courts of all other cases.

SEC. 5. The petition provided for in Section 3 shall be filed by the attorney general, or under his direction, as soon as practicable after he shall be informed of the facts, and within ten days after the same shall have been filed he shall make application to the district judge to whom it is addressed to [have] the officer against whom it is filed suspended tem-

porarily from office. Five days' notice of this application shall be given to the defendant, and, upon the hearing of such application, if it shall appear that the defendant permitted any person in his custody charged with crime to be killed by one or more persons, or permit or suffer any such person to be taken from his custody and killed by one or more persons, the judge shall forthwith suspend the defendant temporarily from office and appoint for the time being some other person to discharge the duties of the office, which person shall, before assuming the duties of the office, execute a bond in such sum as the judge may name, with at least two good and sufficient sureties, on such conditions as the judge may impose, to pay the defendant all damages and costs that he may sustain by reason of such suspension from office in case it should appear that the cause of removal is insufficient or untrue.

SEC. 6. In the trial of the case, the judge shall not submit special issues, but shall, under a proper charge applicable to the facts of the case, instruct the jury to find from the evidence whether the cause of the removal set forth in the petition is true in point of fact. Should the jury find that said cause of removal is true, judgment of ouster shall be entered against the defendant, and he shall not thereafter be elected or appointed to said office.

SEC. 7. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 8. The fact that there is no adequate law in this State for the suppression of mob violence, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 19, 1897.

[NOTE.—The foregoing act passed the House; passed the Senate with amendments; and the House concurred in Senate amendments. Vote not given in either house.]

H. B. No. 31]

CHAPTER 14.

An Act to define the Thirty-eighth Judicial District and prescribe the times of holding District Courts in the various counties thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That an act of the Twenty-fourth Legislature of the State of Texas, approved April 16, 1895, entitled an act to amend Section 1, Chapter 29, of an act passed at the regular session of the Twenty-third Legislature of the State of Texas, approved March 15, 1893, entitled an act to amend Section 38, Chapter 141, of an act passed at the regular session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend Chapter 61, an act entitled an act to amend Section 38 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in such districts at the next general election to be held on the first Tuesday after the first Monday in November, 1894, approved April 9, 1893, granting an extension of time for the holding of

the District Court of Comal county, extending the time for the holding of the District Court of Kerr county, be amended so as to hereafter read as follows:

Section 38. The Thirty-eighth judicial district shall be composed of the counties of Bandera, Kendall, Kerr, Medina and Uvalde, and the district courts shall be held as follows:

In the county of Bandera, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Kendall, on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kerr, on the fourth Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Medina, on the seventh Monday after the first Mondays in March and September, and may continue in session four weeks.

In the county of Uvalde, on the eleventh Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. The near approach of the end of the session, and the fact that one county has been taken out of the Thirty-eighth district, thereby causing a hiatus in the scheme for holding the district courts in said district, creates an emergency and an imperative public necessity demanding the suspension of the rule requiring bills to be read on three several days in both houses, and said rule is hereby suspended, and it is further enacted that this act shall be in force and shall take effect from and after its passage.

Approved, June 21, 1897. ,

[NOTE.—The foregoing act passed the House by a two-thirds vote, yeas 91, nays 1; and passed the Senate by a two-thirds vote, yeas 23, nays none.]

S. B. No. 22.]

CHAPTER 15.

An Act to fix the fees of county and district clerks for recording returns, and to amend Section 10, of Substitute House bill for House bills Nos. 6 and 19, passed at the first special session of the 25th Legislature of the State of Texas, being a bill entitled, "An Act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith." relating to the excess of the fees collected by certain county officers over the maximum allowed them.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter Section 10, of the substitute House bill for House bills Nos. 6 and 19, passed at the first special session of the 25th Legislature of the State of Texas, being a bill entitled "An act to fix certain civil fees to be

charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorneys, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith," shall be amended so as hereafter to read as follows, to-wit:

Section 10. That hereafter the maximum amount of fees of all kinds that may be retained by any officer mentioned in this section as compensation for services shall be as follows: County judge, an amount not exceeding \$2000 per annum; clerk of the county court, an amount not exceeding \$2000 per annum; county attorney, an amount not exceeding \$2000 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2000 per annum; collector of taxes, an amount not exceeding \$2000 per annum; assessor of taxes, an amount not exceeding \$2000 per annum; justices of the peace, an amount not exceeding \$1500 per annum; constables, an amount not exceeding \$1200 per annum; and in addition thereto one-fourth of the excess of fees collected by the said officers, respectively; provided, that this act shall not apply to justices of the peace and constables, except those holding office in cities of more than 15,000 inhabitants, to be determined by the next preceding city election on the basis of five inhabitants for each vote cast at such election; provided, that up to 1902, in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter any counties shown by the national census of 1900 to contain as many as 25,000 [inhabitants], the following amounts shall be allowed, viz.: County judge, an amount not exceeding \$2250 per annum; clerk of the county court, an amount not exceeding \$2250 per annum; county attorney, an amount not exceeding \$2250 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2250 per annum; collector of taxes, an amount not exceeding \$2250 per annum; assessor of taxes, an amount not exceeding \$2250 per annum; and in addition thereto one-fourth of the excess of the fees collected by the said officers, respectively; provided, further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes, or by the census of 1900 shall contain as many as 37,500 inhabitants, the following amounts of fees shall be allowed, viz: County judge, an amount not exceeding \$2500 per annum; clerk of the county court, an amount not exceeding \$2500 per annum; county attorney, an amount not exceeding \$2500 per annum; district attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State; clerk of the district court, an amount not exceeding \$2500 per annum; collector of taxes, an amount not exceeding \$2500 per annum; assessor of taxes, an amount not exceeding \$2500 per annum; in addition thereto one-fourth of the excess of the

fees collected by the officers, respectively; provided, that the county attorney in those counties having no district attorney, where he performs the duties of district attorney, may receive the same compensation as provided for the district attorney; provided, the maximum fixed for the compensation of the district attorney shall be construed to be the amount which that officer is authorized to retain of fees allowed such officers in his district, whether composed of one or more counties; provided, that in counties where a county judge acts as superintendent of public instruction, he shall receive such other salary as may be provided by the commissioners' court, not to exceed the sum of \$600 per annum. The last United States census shall govern as to the population of the cities.

SEC. 2. That the clerks of the district court shall hereafter receive the following fees for the following services: For recording return of any writs when any such return is required by law to be recorded, the amount of 50 cents; when the return exceeds 300 words, for each 100 words in excess of 300 words, ten cents.

SEC. 3. That the clerks of the county court shall hereafter receive for the following services the following fees: For recording return of any writ, when any such return is required by law to be recorded, 50 cents; where the return exceeds 300 words, for each 100 words in excess of 300 words, 10 cents.

SEC. 4. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, it not being intended to affect any fees as prescribed by other laws, except where they conflict with this act.

SEC. 5. The near approach of the end of this special session, and the importance of correcting errors and omissions existing in the law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put upon its third reading and final passage, and it is so enacted.

Approved, June 19, 1897.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 20, nays 4; and passed the House by a vote of yeas 79, nays 14.]

S. B. No. 20.]

CHAPTER 16.

An Act to amend Article 3964 of the Revised Civil Statutes of the State of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing Articles 3965, 3966, 3967, 3968, 3969, 3970 and 3971 of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article 3964, of the Revised Civil Statutes of the State of Texas, be so amended that it shall hereafter read as follows:

The scholastic census of each school district of this State shall be taken in the year 1898, and every year thereafter.

The county superintendent of public instruction shall, on the first day of January of each year, or as soon as practical thereafter, appoint one of the trustees of each school district, or some other qualified person, to take said census, who shall be known as the census trustee of the district.

It shall be the duty of the census trustee to take, between the first day of May and the first day of June after his appointment, a census of all the children that will be over eight and under seventeen years of age on the first day of the following September, and who are residents of the school district on said first day of May, and to make report under oath to the county superintendent on or before the first day of June next thereafter. In taking the said census he shall visit each home, residence, habitation and place of abode, and shall, by actual observation and interrogation, enumerate the children thereof in the following manner: He shall use for each parent, guardian or person having control of any such children a prescribed form showing the name, color and nationality of the person rendering such children, the name and number of the school district in which the children reside, and the name, sex, and date of birth of each child of which he is the parent or guardian, or of which he has control, and which child will be over eight and under seventeen years of age on the first day of September next following. The census trustee shall require such form to be subscribed and sworn to by the person rendering the children, and he is hereby authorized to administer oaths for this purpose.

When the census trustee or assessor visits any home or house or place of abode of a family and fails to find either the parent or any person having legal control, it shall be the duty of the census trustee to leave the prescribed census blanks for the use of parents at such home or place of abode, with a note to the parent or guardian having legal control of child or children, requiring that the form be filled out, sworn and subscribed to before the census trustee, or an officer authorized to administer oaths, and that the blank, when so filled out, shall be delivered by the parent or person having legal control of the child or children to the census trustee.

Every person having control of any child which will be over eight and under seventeen years of age on the first day of September next thereafter, and who, being requested by the census trustee to prepare said form giving the information required, or to give the information necessary to enable the trustee to prepare the same, shall refuse to do so, or shall refuse to make oath to said form when filled according to his statement of facts in regard to said children, or shall fail to return the form left at his home in his absence, as above required, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars. And it shall be the duty of the census trustee at once to file with some justice of the peace of competent jurisdiction complaint against such person. Only children of the same family shall be listed on one form, and if one person has under his control children of different family name, he should use a separate form for each family name.

The census trustee shall arrange the forms for white and colored children separately in alphabetical order, according to the family name of the children reported thereon. He shall also make, on a prescribed form, separate census rolls for the white and colored children of his district, showing the name, age, sex and color of each child, and the name of the parent, guardian or person having control of said children by whom it is reported. He shall also make a summary of his rolls showing the number of children of each race that will be of the different ages from eight

to sixteen, inclusive, on the first day of the next September, which shall continue to be the scholastic age, as is now provided by law. He shall make oath to his rolls and summaries, and to the faithful and accurate discharge of his duties, deliver the rolls, together with the forms arranged in alphabetical order, to the county superintendent on or before June 1st next after his appointment.

Any census trustee who shall wilfully fail or refuse to obtain the necessary information in regard to any child which will be over eight and under seventeen years of age on the first day of September next thereafter, or who shall wilfully fail or refuse to include any child within said ages in his rolls, or shall wilfully make any false report, roll or summary, shall be guilty of false swearing, and shall be punished as prescribed by law for that offense. And if the county superintendent finds or believes that any census trustee has violated any duty required under this act, such county superintendent shall report said census trustee to the grand jury of the county at its next session after discovering such breach of duty. The rolls and summaries of the census trustee shall be preserved by the county superintendent in his office for three years after they are filed. The county superintendent shall make on prescribed form separate consolidated rolls for the white and colored children of his county, showing the name, age and sex of each, together with the number of the district in which it lives, and the name of the parent or guardian, arranging the names of the children according to the alphabetical order of their family names. In making these consolidated rolls, he shall scrutinize carefully the work of the census trustees, and shall have power to summon witnesses, take affidavits, and correct any errors he may find in any census trustee's roll, and he shall carefully exclude all duplicates. If he deems it necessary, he may reject any roll, and appoint another census trustee, to take the census of the district, in which case he shall not approve the warrant to pay the census trustee, whose work has been rejected, for his services. When the county superintendent has prepared his consolidated census roll, one for each race, he shall make a duplicate of each, and he shall make affidavit to the correctness of both originals and duplicates. The originals he shall, on or before July 1st, forward to the State superintendent of public instruction at Austin, and the duplicates shall be filed with the county clerk and become permanent records of his office. The county superintendent shall forward with his consolidated rolls an abstract on the prescribed form, under oath, showing the number of children of each race, of the different years of the school age and the total number of children of each race, and the total of both races in his county. In making his consolidated rolls and in investigating the work of any census trustee, the county superintendent shall refer to the forms and rolls of previous years, when necessary, and they shall be carefully preserved for this purpose.

The State superintendent shall have authority to investigate the census of any county, to correct errors, and in extreme cases when he believes gross errors have occurred, or that fraud has been practiced, he may, with the approval of the State board of education, reject any county's roll and require the census of the county to be retaken.

For their services, the census trustee shall receive four cents per capita of the children of scholastic age taken by him in country districts and three cents per capita in towns of 2500 inhabitants and upwards to 5000

inhabitants, and two cents per capita in cities of more than 5000 inhabitants, and the county superintendent shall receive one cent per capita of the scholastic population reported by him, but these amounts shall not be paid until the census of the county is accepted by the State superintendent, and shall be forfeited as follows: The trustee's compensation, if his work is rejected by the county superintendent, and the census of his district ordered retaken, and both the county superintendent's and the trustee's compensation, if the census of the county is rejected and ordered by the State superintendent and the State board of education to be retaken.

The provisions of this act shall apply to the taking of the census of community counties, except that in such counties the assessor of taxes shall take the scholastic census of all the county except such portion thereof as may be organized into school districts and independent districts, and in his forms for parents and rolls, he shall show the justice precincts in which each child resides, instead of the school district as herein provided for district counties, and he may begin the work of taking the census at any time after the first day of January, instead of May, as herein provided, and the children shall be enrolled where they reside on the first day of January. The assessor shall have the same powers, shall perform the same duties, and shall be subject to the same penalties for any neglect, failure or breach of duty as are provided for census trustees of the districts.

The provisions of this act shall govern the taking of the scholastic census in cities and towns constituting independent districts, except as specially provided herein below, to-wit: The census trustee shall be appointed by the president of the board of trustees, or by the mayor in an independent district having no board of trustees, and a census trustee may be appointed for each ward or school subdistrict, at the discretion of the president of the school board or the mayor making such appointment. The forms for the parent and the rolls shall show the street and house number, or location of the house or place in which each child resides.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed, and Articles 3965, 3966, 3967, 3968, 3969, 3970 and 3971, of the Revised Civil Statutes of 1895, are specially repealed.

SEC. 3. The crowded condition of the calendar and the near approach of the close of this session of the legislature, and the fact that the law is deficient in regard to enumerating the scholastic census, create an emergency requiring the suspension of the constitutional rule that all bills to be read on three several days, and that this bill be placed on its third reading and final passage, and it is so enacted.

Approved, June 23, 1897.

[NOTE.—The foregoing act passed the Senate, vote not given; and passed the House, vote not given.]

S. B. No. 23.]

CHAPTER 17.

An Act to regulate and limit the expenditure of State, county and local public school funds, and regulate treasurers' reports thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That public school funds hereafter shall not be expended except for the following purposes:

1. The State available school funds shall be used exclusively for the payment of teachers' and superintendents' salaries and fees for taking the scholastic census.

2. The county available school funds shall be used exclusively for the payment of teachers' and superintendents' salaries and for the payment of fees for taking the scholastic census.

3. Local school funds from district taxes, tuition fees of pupils not entitled to free tuition, and other local sources may be used for the purposes enumerated for State and county funds and for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employees, for buying school sites, buying, building, repairing and renting school houses, and for other purposes necessary in the conduct of the public schools, to be determined by the board of trustees, the accounts and vouchers for county districts and communities to be approved by the county superintendent; provided, that when the State available school fund in any city or county is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.

SEC. 2. All treasurers receiving or having control of any school funds, shall keep a full and separate itemized account with each of the different classes of school funds coming into his hands, and shall, on or before the first day of October of each year, file with the State Superintendent of Public Instruction an itemized report in duplicate of the receipts and disbursements of the school funds for the preceding school year ending August 31st, which report and duplicate shall be on the prescribed form furnished by the department of education, and the duplicate report, after examination by the State superintendent, shall be returned to the commissioners' court of the proper county for approval, and shall be accompanied by such objections or recommendations as the State superintendent may make in regard to the same. The State superintendent, in examining any report, may call for the vouchers and make such investigation of the correctness and legality of the different items as he may deem necessary, and when the duplicate is sent to the commissioners' court, all vouchers shall be presented to the court, and the present law in regard to treasurers' reports, except as hereinbefore modified, is hereby continued.

SEC. 3. All laws, general and special, in conflict with this act are hereby repealed.

SEC. 4. The near approach of the close of the special session, and the importance of providing some adequate method by which the public schools of the State may be supplied with the necessities for their proper conduct, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be

suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved, June 23, 1897.

[NOTE.—The foregoing act passed the Senate, vote not given; and passed the House, vote not given.]

H. B. No. 24.]

CHAPTER 18.

An Act to amend Article 5049 of Chapter 1, Title 104, of the Revised Statutes, relating to general occupation taxes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5049, of Chapter 1, Title 104, of the Revised Civil Statutes of 1895, shall hereafter read as follows:

Article 5049. There shall be levied on and collected from every person, firm, company or association of persons pursuing any of the occupations named in the following numbered subdivisions of this article, an annual occupation tax, which shall be paid annually in advance, except when herein otherwise provided, on every such occupation or separate establishment, as follows:

Subdivision 1. From every merchant whose annual purchases amount to less than two thousand dollars, three dollars; from every merchant whose annual purchases amount to two thousand dollars or less than five thousand dollars, six dollars; from every merchant whose annual purchases amount to five thousand dollars or less than ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to ten thousand dollars or less than fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to fifteen thousand dollars or less than twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars or less than fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to fifty thousand dollars or less than one hundred and fifty thousand dollars, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to one hundred and fifty thousand dollars or less than two hundred and fifty thousand dollars, one hundred and fifty dollars; from every merchant whose annual purchases amount to two hundred and fifty thousand dollars or less than five hundred thousand dollars, two hundred dollars; from every merchant whose annual purchases amount to five hundred thousand dollars or less than seven hundred and fifty thousand dollars, two hundred and fifty dollars; from every merchant whose annual purchases amount to seven hundred and fifty thousand dollars or more, three hundred dollars. Every person, firm, corporation or association of persons desiring to sell goods, wares or merchandise within this State shall, before pursuing such occupation, pay the tax for one year and take out a license to pursue the occupation of the merchant of the class to which he properly belongs, according to his annual purchases, as provided by law, and shall file with the tax collector an affidavit of the amount of his annual purchases for the past year, if previously engaged in such

business, or a part of a year, if engaged in such business less than a year, and also of the estimated amount of his annual purchases for the ensuing year. Said affidavit shall be filed and preserved by the tax collector as a part of the records of his office, and shall be in substance as follows, viz:

"The undersigned, as the representative of, doing business at, Texas, do solemnly swear that the estimate made of the annual purchases of said concern of goods, wares and merchandise for the next ensuing year does not exceed thousand dollars. I further swear that the annual purchases of said concern for the past months did not exceed the sum of thousand dollars."

Said affidavit shall be signed and sworn to before some officer authorized to administer oaths, and for this purpose the tax collector of counties, cities and towns are hereby authorized to administer oaths.

Sub. 2. From every merchant who may remove from place to place and offer for sale "bankrupt stocks" of goods, or advertising "fire sales," or "water and fire damaged stocks for sale," for a limited period of time, there shall be collected one hundred dollars per month for the first month, or less than a month, for each and every place where such business is located; and for each additional month that such sales are continued, at any given place, said merchant shall pay an additional sum of twenty dollars; provided, that where they remain for six months in one place, in addition to the one hundred dollars charged for the first month, they shall pay an additional sum of ten dollars per month; and provided further, that if they remain in one place for the period of twelve months, they shall be required to pay, in addition to the one hundred dollars for the first month, the sum fixed in the preceding paragraph, according to class and amount of goods sold in one year.

Sub. 3. From every traveling person selling patent or other medicines, one hundred dollars; and no traveling person shall so sell until said tax is paid; provided, that this tax shall not apply to commercial travelers, drummers or salesmen making sales, or soliciting trade for merchants engaged in the sale of drugs or medicines by wholesale.

Sub. 4. From every fortune teller, ten dollars; from every clairvoyant or mesmerist, who plies his or her vocation for money, ten dollars for each and every county in which such vocation is carried on.

Sub. 5. From every person, firm or association of persons engaged in discounting or shaving paper, or engaged in business as money brokers or bankers, or dealers in stocks, securities or bills of exchange, or in buying or selling bonds, State, county or city warrants, or other claims against the State, an annual tax of fifty dollars.

Sub. 6. From every operator or owner of any daguerrean, photograph, or other like gallery, by whatever name called, an annual tax of ten dollars.

Sub. 7. From every auctioneer, an annual tax of ten dollars.

Sub. 8. From every keeper of a toll bridge, an annual tax of seven dollars.

Sub. 9. From every person, firm or association of persons following the occupation of ship brokers or ship agents, an annual tax of ten dollars.

Sub. 10. From every person, firm or association of persons selling on commission, ten dollars.

Sub. 11. From every land agent there shall be collected an annual tax of five dollars. The term "land agent" shall be construed to mean any person, firm or association of persons performing for compensation any of the following services: purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be construed so as to levy a tax upon an attorney in addition to the one hereinafter levied.

Sub. 12. From every person practicing law, and from every conveyancer or other person drawing deeds or other legal instruments for pay, five dollars; provided, that attorneys-at-law shall only pay county occupation tax in the county of his or their residence.

Sub. 13. From every physician, surgeon, oculist or medical or other specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of fifty dollars; from every dentist, five dollars.

Sub. 14. From every local practicing physician, surgeon, veterinary surgeon, or any medical or surgical specialist, an annual tax of \$5.

Sub. 15. From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of thirty dollars in each county.

Sub. 16. From every person or firm keeping a knife, cane or doll rack, or any other device upon which rings are pitched, or at which balls are thrown, an annual tax of twenty-five dollars.

Sub. 17. From every billiard, pool table, or anything of the kind used for profit, twenty dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

Sub. 18. From any person or persons who shall sell pools on horse races or other contests, five dollars for each and every day they may so sell said pools.

Sub. 19. From every nine or ten pin alley or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings or other devices are used as substitutes thereof are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls, rings or other device are rolled by hand or with a cue or any other device, one hundred dollars. Any such alley used in connection with any drinking saloon, or any drug store, or with any drug store where intoxicating liquors are sold, or given away, or upon which money or anything of value is paid, shall be regarded as used for profit.

Sub. 20. From all persons keeping or using for profit any hobby horse, flying-jenny, or device of that character, with or without name, fifteen dollars for each county wherein the same are kept or used.

Sub. 21. From every foot peddler, five dollars in each county in which he peddles. For every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles; for every peddler with two horses or two pair of oxen, thirty dollars in each county in which he may pursue such occupation; for every peddler with sail or other boat in streams or along the coast or bays of this State, thirty dollars in each county in which he may pursue such occupation; provided, that any blind, deaf and dumb, or any wounded person who has lost a hand or foot

shall not be required to pay any tax for peddling; provided, that all ex-Confederate and ex-Federal soldiers who, from old age or other cause, may be incapacitated to do and perform manual labor, and who are actual residents of the State of Texas, and are not inmates of any soldiers' home, or drawing any pension from the United States or any State government, be and are hereby exempted from the payment of any such peddlers' occupation tax; provided, such persons shall not be exempt from such peddlers' tax if employed in peddling for any other person or persons; nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware; provided further, that nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of poultry, vegetables or other country produce exclusively, fruit and fruit trees exclusively, if raised or produced by the vendor or his family.

Sub. 22. From every theatre or dramatic representation for which pay for admission is demanded or received in towns or cities of 1500 inhabitants or less, one dollar; in towns and cities of 1500 and not over 3000, two dollars; in towns and cities of over 3000 and not less than 5000, three dollars; in towns and cities over 5000 and not over 10,000, four dollars, and in towns and cities of over 10,000 inhabitants, five dollars per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included. Provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theatres, but in lieu of said tax the managers of said opera houses or theatres shall pay an annual occupation tax of twenty-five dollars.

Sub. 23. From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance or exhibition where an admission fee of one dollar is charged, two hundred and fifty dollars; for each performance or exhibition where admission fee of 75 cents is charged, two hundred dollars; for each performance where 50 cents or less is charged, one hundred dollars; provided, that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided, that where there is a combination of circus and menagerie, or circus and other exhibitions, the highest tax fixed by this act for any division or department of the combination shall be collected; provided further, that every show or exhibition which advertises itself as a circus or menagerie, or a combination of circus and menagerie, shall be held and construed to be a circus or a menagerie or a circus and menagerie whether it be such or not.

Sub. 24. From every menagerie, wax-works museum, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, ten dollars for every performance or exhibition in which fees for admission are received.

Sub. 25. From every exhibition where acrobatic feats are performed and an admission fee charged for profit, not connected with the circus or theatre, ten dollars for each performance.

Sub. 26. From every sleight of hand performance or exhibition of legerdemain, not connected with a theatre or circus, twenty-five dollars.

Sub. 27. From every person bringing off a fight between dogs and

bulls, or between bears and dogs, or between bulls and any other animals, or between dogs and dogs, five hundred dollars for each performance.

Sub. 28. From every cock-pit, when kept for profit, or upon which any money or anything of value is bet or paid, fifty dollars.

Sub. 29. From every menagerie, wax-works or exhibition of any kind where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence, shall be exempt from taxation; and provided further, that persons who form a museum composed entirely of the products of Texas shall have the right to exhibit the same for a fee without paying any occupation tax.

Sub. 30. From every concert where a fee for admission is demanded or received, two dollars; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations are exempt.

Sub. 31. From every livery or feed stable, thirty cents for each stall and thirty cents for each hack, buggy or other vehicle; and from every hack, buggy, dray, wagon or other vehicle let for hire not connected with a livery, feed or sale stable, two dollars; from every wagon yard used for profit, five dollars.

Sub. 32. From each and every person acting as general adjuster of losses, or agents of life, fire, marine and accident insurance companies, who may transact any business as such in this State, an annual occupation tax of fifty dollars. By "general agent," as used in this law, is meant any person or firm, representative of any insurance company in this State, or who may exercise a general supervision over the business of such insurance company in this State, or over the local agency thereof in this State, or any subdivision thereof; provided, that when such a general agent acts as a local agent, he shall pay an additional tax as a local agent, as hereinafter provided.

Sub. 33. From each and every person or firm acting as local agent or agents of life, fire, marine and accident insurance companies, who may transact any business as such in this State, an annual occupation tax of five dollars. By "local agent," as used in this law, is meant any person or firm who may solicit, contract for or receive premiums for insurance in this State for any insurance company or companies, or who may deliver contracts or policies of insurance, including railway agents and employees who may solicit or receive premiums for accident insurance in this State.

Sub. 34. From each and every person or firm acting as local agent or agents of industrial life insurance companies, who may transact any business as such in this State, an annual tax of two dollars. By "industrial life insurance, as used in this law, is meant insurance adapted to the wants and necessities of the wage-earners, in that the policies are small and the premium collected weekly at the homes of the insured, the maximum policy or [of] insurance written on any one person being one thousand dollars.

Sub. 35. From every person, firm or association of persons, dealing in lightning rods, an annual tax of thirty-six dollars to the State and eighteen dollars as county tax to the county in which such business is carried on; and upon every person canvassing for the sale of lightning rods, an



annual tax of one hundred dollars to the State and fifty dollars as county tax, in each county in which such canvassing is done.

Sub. 36. From every person, firm or association of persons following the occupation of cotton broker, cotton factor, or commission merchant, in a city of ten thousand inhabitants or over, thirty-five dollars; and in all cities and towns of less than ten thousand inhabitants, an annual tax of eighteen dollars; provided, that a merchant who pays an occupation tax under this law shall not be considered as a cotton broker. A "commission merchant," in the meaning of this article, is every person, firm or association of persons, receiving country produce, horses, cattle, sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold, and charging a commission therefor.

Sub. 37. From every pawnbroker, an annual tax of one hundred and fifty dollars.

Sub. 38. From every cotton buyer or buyer of wool or hides, ten dollars; provided, that a merchant who pays an occupation tax, as herein prescribed, shall not be considered a cotton buyer or buyer of wool or hides.

Sub. 39. From every person, firm, agency, or association of persons dealing in sewing machines, an annual tax of fifteen dollars to the State and seven dollars as a county tax in every county where such business may be carried on; provided, that a merchant who pays an occupation tax, as required by this article, shall not be required to pay this special tax to sell sewing machines when sold in his place of business.

Sub. 40. From every person or firm who peddles out clocks, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, an annual tax of two hundred and fifty dollars for the State, and one hundred dollars for each county in which they make a sale; provided, that a merchant who pays an occupation tax, as required by this article, shall not be required to pay this special tax for selling the articles named in this paragraph when sold in his place of business, or in the county in which his place of business is located.

Sub. 41. Each and every express company shall annually, on or before the first day of March, through its superintendent or other chief officer or authorized agent, file with the comptroller of public accounts a report under oath, showing the amount of charges and freights within this State paid to or uncollected by such companies on account of money, goods and merchandise carried within this State during the year ending December 31st next preceding, and said express companies, at the time of filing their required report, shall pay to the treasurer of the State one and one-half per cent of their gross receipts, as shown by their said report. The receipt of the State treasurer shall be evidence of the payment of such taxes, city or town corporation in this State; provided, that this article shall not be construed to prohibit the levy of State, county and municipal taxes upon the real and personal property of such companies. Each and every express company failing or refusing to file the report herein required, and pay the required taxes, shall forfeit to the State twenty-five dollars for each day said report and payment are delayed. For the purpose of suit to recover the taxes and forfeitures, venue and jurisdiction is hereby expressly conferred on the courts of Travis county, and

service upon any agent or officer of such company within this State shall in all respects be held legal and valid.

Sub. 42. From every person, firm or association of persons owning or running any railroad cars or steamboats in this State, there shall be collected quarterly, on the first day of January, April, July and October of each year, a tax of one per cent on their gross receipts from all their passenger travel within this State. The said gross receipts to be returned under oath by said owner, agents or manager to the comptroller, and said tax to be collected by said comptroller under such regulations as he may prescribe; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

Sub. 43. From every chartered telegraph company doing business in this State, there shall be collected one cent for every full rate message sent by any person, firm or association of persons within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the comptroller on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said companies to make said statement, who shall keep a record of such messages; and the receipt of the comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; provided, railroad messages for running their trains and for company use shall not be taxed; and provided further, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon such chartered companies for messages sent, and messages sent on official business by officers of the United States.

Sub. 44. From each gas company, manufacturing gas in towns and cities of ten thousand or more inhabitants, thirty-five dollars; in a city or town of less than ten thousand inhabitants, twenty dollars.

Sub. 45. From each electric light company operating an electric light plant in a town or city of ten thousand inhabitants or more, thirty-five dollars; in a city or town of less than ten thousand inhabitants, twenty dollars.

Sub. 46. From each water works company operating a water works plant in a town or city of ten thousand inhabitants or more, thirty-five dollars; in a city or town of less than ten thousand inhabitants, twenty dollars.

Sub. 47. From every person, firm or association of persons loaning money as agents or agents for any corporation, firm or association, either in this State or out of it, an annual occupation tax of one hundred and fifty dollars for the State, for the principal office, and a county tax of fifteen dollars from each agent for each county in which he may do business, and no additional occupation tax shall be levied by any county, city or town in this State.

Sub. 48. From each person, party, partnership or corporation engaged in the business of inquiring into and reporting upon the credit or standing of persons engaged in business in this State, or acting as agent or business manager in this State for any such person, party, partnership, joint stock association or corporation, three hundred dollars; and provided, further, that no county, city or town shall levy or collect any occupation tax upon or from any such person, party, partnership, joint

stock association or corporation. The payment of this tax, evidenced by the receipt of the comptroller of public accounts, shall exempt the company or party paying the same from the payment of this tax in any other county; and payment of such tax shall not be required of any subagent or correspondent of the party or company carrying on such business in this State.

Sub. 49. From each and every owner or keeper of any skating rink, used for profit, twenty-five dollars.

Sub. 50. From every manager of a base ball park in a city or town containing five thousand or more inhabitants, where an admission fee is charged, twenty-five dollars.

Sub. 51. From each owner or keeper of every steam laundry, ten dollars.

Sub. 52. From each person or corporation, who are wholesale dealers, selling imported or home-made ice to the trade to be sold again, in cities and towns of twenty thousand inhabitants, or more, fifty dollars; in cities and towns of less than twenty thousand inhabitants, or more than ten thousand inhabitants, thirty dollars; in cities and towns of less than ten thousand inhabitants, and more than five thousand inhabitants, twenty dollars; in cities and towns of less than five thousand inhabitants, ten dollars.

Sub. 53. From every owner or manager of every race track, one mile or more in length, used for profit, one hundred dollars; from each owner or manager of every race track, one-half mile or less in length, fifty dollars per annum; provided, this shall not apply to race tracks owned by private individuals and used only for training purposes, or in connection with agricultural fairs and expositions.

Sub. 54. From every street car company in this State, two dollars per mile on each mile of track owned by said company or corporation.

Sub. 55. From each owner or manager of every grain elevator doing business for fees or toll with a capacity of over one hundred thousand bushels, fifty dollars; on each owner or manager of every elevator with a capacity of fifty thousand bushels and not over one hundred thousand bushels, twenty-five dollars.

Sub. 56. From each owner or manager of every phonographic, electric battery, graphophone or other like machines or instruments, where a fee is charged, an annual tax of twenty-five dollars; provided, that when an electric battery is used by a regularly authorized physician on a patient no tax shall be charged.

Sub. 57. From each owner or keeper of every kinetoscope, cinetograph or similar machine or instrument used for profit, which shows the life-like motions of persons or animals, an annual occupation tax of twenty-five dollars.

Sub. 58. From each owner, manager or keeper of every panorama or view show, used for profit, exhibiting in a wagon, room, tent or elsewhere, an annual occupation tax of ten dollars and a county occupation tax of two dollars per annum. A panorama or view show in the meaning of this act is a show exhibiting pictures, statuary or other works of art which are viewed through stereoscopic or magnifying lenses.

Sub. 59. From every person, firm or association who are wholesale dealers in cotton seed oil or any of the products of cotton seed, selling such to the trade, a tax of twenty-five dollars; provided, that this tax

shall not apply to a merchant who sells other goods and merchandise and pays an annual occupation tax therefor.

Sub. 60. From each owner, manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight of hand, gymnastic, dancing or other kinds of performances in a tent, house or elsewhere, which said exhibitions are used for profit by sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, an annual occupation tax of fifty dollars and a county occupation tax of two dollars and fifty cents for every such performance or exhibition. Provided, this tax shall not be assessed when these performances are given inside the grounds of any State or county fair during the time that said State or county fair is giving its annual exhibition.

Sub. 61. From every person, firm or association of persons selling on commission, if in a city of more than ten thousand inhabitants, fifty dollars; if in a city or town of less than ten thousand inhabitants, twenty-five dollars. This article is intended to cover every person, firm or association of persons selling on samples only, and who do not carry any stock of merchandise or anything else on hand; provided, that this tax shall not apply to commercial travelers or salesmen making sales or soliciting trade from merchants.

Sub. 62. From all dealers in cigarettes in this State, the sum of ten dollars per annum, a cigarette being within the meaning of this act the same as defined by the laws of the United States government; provided, that this tax shall be in addition to the occupation tax levied on merchants, and any other tax levied under the law; and provided, further, that each dealer shall be required to procure an annual license from the county clerk of the county where he proposes to sell cigarettes which shall be granted for no shorter or longer period than one year; and provided, further, that the license shall describe the house and locality where the dealer proposes to sell cigarettes.

SEC. 2. For the purpose of suit to recover the taxes and forfeiture, venue and jurisdiction is hereby expressly conferred upon the courts of Travis county, and service upon any officer or agent of such company within this State shall in all respects be held legal and valid.

When the Comptroller furnishes collectors with blank occupation tax receipts he shall furnish the commissioners' court with the numbers and value of the receipts furnished to their respective collectors, and such courts shall charge their respective collectors with the number and such proportion of the value of the receipts so furnished, as shall apply to the county tax, when such collectors shall make their settlements with the Comptroller. The Comptroller shall furnish the commissioners' court with the numbers and value of the receipts returned, and with the amount of the occupation taxes collected by their respective collectors.

SEC. 3. Whereas, the occupation taxes collected are not adequate, and an imperative public necessity exists that they be in some instances increased, in order that the State may immediately derive benefit of the same, therefore, an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that the same take effect from its passage, and it is so enacted.

[NOTE.—The foregoing act passed the House by a vote of yeas 82, nays 15; passed the Senate with amendments by a two-thirds vote, yeas 22, nays 2; and the House concurred in Senate amendments, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Sunday, the twentieth day of June, A. D. 1897, but was not signed by him nor returned to the house in which it originated within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect ninety days after adjournment.

H. B. No. 22.]

CHAPTER 19.

An Act to enforce the attendance of witnesses in criminal cases upon district courts, grand juries and magistrates sitting as examining courts, in counties other than that of their residence, under subpoena, and to provide for the punishment for disobedience of such subpoenas, and to repeal Articles 525, 526, 527, 528, 529, 530, 531, 532, 533 and 534, Title 7, Chapter 4, of the Code of Criminal Procedure of the State of Texas, adopted by the 24th Legislature, 1895, and all other laws and parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Where a witness resides out of the county in which the prosecution is pending, the defendant shall be entitled on application, either in term time or in vacation, to the proper clerk or magistrate, to a subpoena issued to compel the attendance of such witness. Such application shall be in writing and under oath, shall state the name and residence of the witness, and his exact location and avocation, if known, and that his testimony is believed to be material to the defense. The State shall also be entitled to subpoenas under the provisions of this article upon the written application of the attorney representing the State, which application shall state the name and residence of the witness, and his exact location and avocation, if known, and that his testimony is believed to be material for the State.

SEC. 2. It shall be the duty of the officer receiving said subpoena to execute the same by delivering a copy thereof to the witness or witnesses therein named, and he shall make due return of said subpoena showing therein the time and manner of executing the same, and if not executed, such return shall show why not executed, the diligence used to find said witness, and such information as the officer has, if any, as to the whereabouts of said witness.

SEC. 3. When a subpoena is returnable forthwith, it shall be the duty of the officer to immediately serve the witness with copy of the same, and it shall be the duty of said witness to immediately make his appearance before the court, magistrate or other authority issuing the same; and if said witness make affidavit of his inability from lack of funds to appear in obedience to said subpoena, it shall be the duty of the officer executing the same to provide said witness, if said subpoena be issued in a felony case, with the necessary funds or means to appear in obedience to said subpoena, taking his receipt therefor, and showing in his return

on said subpoena under oath the amount furnished to said witness, together with the amount of his fees for executing said subpoena, and such officer shall be entitled to receive from the State, for executing such process, the sum of fifty cents for serving each witness, and five cents per mile for each mile actually traveled in the execution of the same.

SEC. 4. It shall be the duty of the clerk of the court, the magistrate, or the foreman of the grand jury, issuing said process, immediately upon the return of said subpoena, if issued in a felony case, to issue to such officer a certificate for the amount furnished such witness, together with the amount of his fees for executing the same, showing the amount of each item, which certificate shall be approved by the judge of the district court, and recorded by the clerk of the district court in a well bound book kept for that purpose, and said certificate transmitted to the officer executing such subpoena, which amount shall be paid by the State as costs are paid in other criminal matters.

SEC. 5. Witnesses shall receive from the State for attendance upon district courts, magistrates sitting as examining courts, and grand juries in counties other than that of their residence, in obedience to subpoenas issued under the provisions of this act, such compensation as is now received by witnesses attending such, under attachment, to be paid as now provided by law, and such magistrate, foreman of the grand jury or clerk of the district court, shall issue to such witness a certificate therefor after deducting therefrom the amount advanced by the officer serving said subpoena, as shown by the return on said subpoena, which certificate shall be approved by the district judge, and recorded by the clerk in a well bound book kept for that purpose; provided, that when an indictment can be found from the evidence taken before an inquest or examining trial, no subpoena or attachment shall issue for a witness who resides out of the county in which the prosecution is pending to appear before a grand jury; and provided further, that when the grand jury shall certify to the district judge that sufficient evidence can not be secured upon which to find an indictment except upon the testimony of non-resident witnesses, the district judge may have subpoenas issued as provided for in this act to other counties for witnesses to testify before the grand jury not to exceed one witness to any one fact nor more than three witnesses to any one case pending before the grand jury.

SEC. 6. If the subpoena be returnable at some future date, the officer shall have authority to take a good and sufficient bail bond of such witness, for his appearance under said subpoena, which bond shall be returned with such subpoena, and shall be made payable to the State of Texas, in the amount in which the witness and his surety shall be bound, and conditioned for the appearance of the witness at the time and before the court, magistrate or grand jury named in said subpoena, and shall be signed by the witness and his sureties; but if said witness refuse to give bond he shall be kept in custody until such time as he shall start in obedience of said subpoena, when he shall be, upon affidavit being made, provided with funds necessary to appear in obedience of said subpoena.

SEC. 7. The court or magistrate issuing said subpoena may direct therein the amount of the bond to be required, but in case the amount is not specified, the officer may fix the amount, and in either case shall require good and sufficient security, to be approved by himself.

SEC. 8. If a witness refuse to obey a subpoena as herein provided, he shall be fined by the court or magistrate in any sum not exceeding five hundred dollars, which fine and judgment shall be final unless set aside after due notice to show cause why it should not be final, which notice may immediately issue requiring the defaulting witness to appear at once or at the next term of said court, in the discretion of the judge, to answer for such default, and the court may, in his discretion, cause to be issued at the same time an attachment for said witness, directed to the proper county, commanding the officer to whom said writ is directed to take said witness into custody and have him before said court at the time named in said writ; in which case such witness shall receive no compensation unless it appears to the court that such disobedience is excusable, when the witness may receive the same compensation as if he had been attached; and said fine and all costs thereon shall be collected as in criminal cases; provided, that said fine and judgment may be set aside at the same or any subsequent term of the court or in vacation for good cause shown, after the witness shall have testified or been discharged.

The following words shall be written or printed on the face of such subpoena: "A disobedience of this subpoena is punishable by fine not exceeding five hundred dollars, to be collected as fines and costs in other criminal cases."

SEC. 9. That Articles 525, 526, 527, 528, 529, 530, 531, 532, 533 and 534, of Title 7, Chapter 4, of the Code of Criminal Procedure of the State of Texas, adopted by the 24th legislature, 1895, be and the same are hereby repealed, and that all other laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, July 3, 1897.

Takes effect ninety days after adjournment.

**THE STATE OF TEXAS,
DEPARTMENT OF STATE.**

I, J. W. Madden, Secretary of State of the State of Texas, certify that the foregoing laws, passed by the first special session of the Twenty-fifth Legislature, have been carefully examined and compared with the original enrolled bills, now on file in this department, and are true copies thereof.

I further certify that the said first special session of the Twenty-fifth Legislature convened in the city of Austin on the twenty-second day of May, A. D. 1897, and adjourned on the twentieth day of June, A. D. 1897.

In testimony whereof, I have subscribed my name and
[SEAL.] have hereto affixed the seal of the State of Texas, in the
City of Austin, this August 4, A. D. 1897.

**J. W. MADDEN,
Secretary of State.**

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